1. LETTER TO BRITISH AGENT[1]

PRETORIA,
February 28, 1898

TO
HER MAJESTY'S AGENT
PRETORIA

SIR,

We the undersigned British Indian subjects resident at Pretoria and at Johannesburg, as representing the British Indian community in the Transvaal, beg respectfully to bring to the notice of Her Majesty's Government, that, as suggested by Her Majesty's Government, we are about to take steps[2] in the High Court of the South African Republic to obtain an interpretation of Law No. 3 of 1885, as amended in 1886,[3] according to the terms of the Award of Chief Justice de Villiers at Bloemfontein[4] for the purpose of having a decision as to whether or not British Indian subjects are entitled to carry on business in the towns and villages of this State.

We cannot refrain, however, from expressing our regret that Her Majesty's Government has decided not to act on our behalf in this matter to its conclusion, for we had hoped that, inasmuch as Her Majesty's Government had submitted our case to

[1] This was sent as an enclosure to the Confidential Despatch dated March 9, 1898, from the High Commissioner of South Africa to the Secretary of State for the Colonies, London.

[2] The Test Case, *Tayob Hajee Khan Mahomed* v. *Dr. Willem Johannes Leyds*, Secretary of State, South African Republic, was filed on the same day. It was ultimately, on August 8, 1898, decided against the Indians.

[3] It denied "the coolies, Arabs, Malays and Mahomedan subjects of the Turkish Empire" citizenship rights, including the right of owning immovable property. The Imperial and the Transvaal Governments differed as to the applicability of the law to Indians. The issue was referred for arbitration to the Chief Justice of the Orange Free State, who decided that the Transvaal Government was bound and entitled, in its treatment of Indian and other Asiatic traders, to enforce the law, subject to interpretation by the law-courts if an objection was raised on behalf of such persons that the treatment was against its provisions.

[4] *Vide* Vol. I, pp. 197-8 and 203.

Gandhi Heritage Portal
Collected Works of Mahatma Gandhijii: Vol. 03: 1898 : 1903

arbitration, the matter would be seen through to the end by Her Majesty's Government.[1]

We have, etc.,
TAYOB HAJI KHAN MAHOMED
HAJI HABEEB HAJI DADA
MOHAMED CASSIM CAMROODIN & CO.
M. H. YOOSUB

Colonial Office Records : C.O. 417, Vol. 243

2. *SOMNATH MAHARAJ CASE*[2]

[*March 2, 1898*][3]

Mr. Gandhi, who appeared for the appellant and the owners of the premises, said he had written to the Town Clerk for the reasons of the Licensing Officer for refusing the licence, but had been told that the reasons could not be given.

In reply to a question from the Mayor, Mr. Gandhi said that the trustees of the Natal Indian Congress were the owners of the property.

Mr. Gandhi, resuming, said he also asked the Town Clerk for a copy of the record, and was told that he could not be furnished with it. He contended that he was entitled by law to have it, as the ordinary rules of procedure in appeal cases would apply before that tribunal, and he was also entitled to the reasons. There was nothing whatever in the Act to show that the ordinary rules of procedure were to be subverted. The 11th section of the

[1] On May 18, 1897, Gandhiji had represented to the British Agent that the British Government should bear the costs of the Test Case, but the request was turned down. *Vide* Vol. II, pp. 254-5.

[2] Under the Dealers' Licenses Act, 1897, Town Councils and Town Boards in Natal were authorized to appoint Licensing Officers for issuing licences to traders and to hear appeals against their decisions and also against their own confirmation of such decisions. At the initial hearing Somnath Maharaj was refused licence for the premises belonging to the Natal Indian Congress on Umgeni Road. For a report of the initial hearing, *vide* Appendix I. This is a report of the proceedings of the Durban Town Council in the Somnath Maharaj case, in which Gandhiji appeared in the appeal. It was incorporated by him as an appendix to the petition of December 31, 1898, to the Secretary of State for the Colonies. The adverse decision of the Town Council was set aside by the Supreme Court of Natal in *Somnath* v. *Durban Corporation* on March 30, 1898, on the grounds of improper procedure. In a further appeal, on June 6, the Town Council upheld the Licensing Officer's reason for refusal of a licence to Somnath Maharaj —"as the class of trade he was engaged in was sufficiently provided for in the town and borough".

[3] According to *The Natal Advertiser* the appeal was heard on March 2, 1898.

Act provided for the rules, which had been framed thereunder, but he did not know that the rules were constitutional. He did not propose to read authorities, because it seemed to him that common sense would show that if a right of appeal were allowed, the ordinary procedure would guide the conduct of such appeals. If that were not so, it would appear that the law had given a right to the subject with the one hand and taken it away with the other, for if he appealed to the Town Council and did not know why his licence had been refused, and was not allowed to obtain a record of the application, then he had practically no right of appeal. If he was allowed to appeal, surely he was entitled to a complete record of the proceedings; and, if not, he was an outsider. Was the Council going to decide that he was an outsider, although he had large interests at stake? He was told: "You may come, you may say anything you like, without knowing what the ins and outs of the case are," and he had come before them; but, if there were any reasons, they would be surprised upon him, and if there was a report from the Sanitary Inspector, it would be surprised upon him also. He submitted that he was entitled to a copy of the record of the Council's proceedings, and to the reasons, and if not, then the right of appeal had been refused to him. His client was one of the burgesses, and as such was entitled to every consideration a burgess should receive at the hands of the Council; instead of which he was practically opposed by the whole municipal machinery, had to anticipate the reasons for which his licence was refused, and had to come to the Council, and then, possibly, after spending a lot of money, would perhaps be told that the Licensing Officer's decision is upheld. Was this an appeal under the British Constitution?

MR. EVANS : Has the applicant had a licence before?

THE MAYOR : He has kept a store in another part of the Colony, but he has only been in Durban three months.

Mr. Collins said Mr. Gandhi asked their decision on a point of law. They were a lay court, but he did not know that they were competent to give an answer without reference to their legal adviser. Under the law, the Council could require the Licensing Officer to state his reasons in writing, but he was bound to admit that he did not like the law on this point, as it did not seem to him to reflect true justice. However, the law must be abided by, but it also provided means by which the Council could rectify what appeared to him to be an injustice. It was competent for them to get the reasons of the Licensing Officer in writing, and then to adjourn that meeting so as to give the appellant an opportunity of answering them. He thought that line should be adopted and he accordingly moved that the Licensing Officer be asked to furnish his reasons.

Mr. Challinor seconded.

Mr. Evans said that as the reasons of the Licensing Officer were privileged to the Council, he thought they should have them in writing.

MR. ELLIS BROWN : Yes; let them be handed round.

Mr. Clark moved that they retire to the Mayor's parlour for five minutes, in order to see the reasons.

Mr. Collins seconded, and remarked that he had often heard that justice was blind, but had never seen so forcible an illustration of it before. Some members of the Council were prepared to vote on the matter without knowing why the licence had been refused.

Mr. Taylor agreed with Mr. Collins that justice was blind, but said there were councillors who could see the Licensing Officer's reasons without looking at a bit of paper. He was sorry there were those present who were so ignorant that they could not see it.

The motion was carried, and the members of the Council then retired.

On [their] returning to the Council Chamber, Mr. Gandhi [said:]

I want a decision on the points I have raised.

THE MAYOR : The Council is against you.

Mr. Gandhi said that the only fault that could be found with his client was that he had a brown skin, and that he had never held a licence in Durban before. He was told that the Council would refuse any application for new licences, no matter whether the applicants had good business qualifications or not. If that was correct it was unjust, and if a man was not to have a licence because he had a brown skin, such a decision savoured of injustice, and was certainly un-English. There was nothing in the law to show that licences must be refused to persons because of their nationality. The tribunal should not be guided by what was said during the time of panic, but rather by the words of the late Premier, who said it should be borne in mind that the Town Council had been given a giant's strength, but they should take care that they did not use it in that fashion. The applicant had been a storekeeper at Mooi River for six years, and was a thoroughly respectable man, whose straightforwardness and business capacity had been vouched for by four Natal European firms. He hoped the Council would grant the licence.

Mr. Taylor moved that the decision of the Licensing Officer be confirmed.

Mr. Clark seconded the motion, which was carried *nem. con.*

The Natal Mercury, 3-3-1898

3. *APPLICATION TO TOWN CLERK, DURBAN*

53A FIELD STREET,
DURBAN,
March 9, 1898

THE TOWN CLERK
DURBAN

SIR,

Jusa Jana and others, who own a squatter's license from the Government, [and] have been selling bread, etc., in open at the Point, were charged with keeping an eating-house and were each fined £1. According, however, to the case of *Dyer* v. *Musa*, the judgment of the Magistrate in the above case would be incorrect. The appeal in *Dyer* v. *Musa* was decided after the above cases were decided. Under the circumstances, will the Town Council be pleased to return the fines paid by the men?

Yours faithfully,
M. K. GANDHI

[PS.]

May I also ask for a refund of the fine of [£]5/0 imposed upon Musa and paid by him, the judgment having been set aside by the Supreme Court?

M. K. G.

From the original: Durban Town Council Records: Letter No. 23596, Vol. 134

4. *LETTER TO G. V. GODFREY*

[DURBAN,
Before *March 18, 1898*][1]

DEAR MR. GODFREY,

Several Indians—including your friends and well-wishers—have decided to present you with a congratulatory address on your having been the first Indian to have passed the Civil Services

[1] *Vide* the following item.

Examination of the Colony. I trust you will accept invitation hereby to receive the address at the Congress Hall in Grey Street at 7.45 p.m. on Friday next, the 18th instant.

I have much pleasure in enclosing herewith a proof copy of the address for your perusal.

I remain,
Dear Mr. Godfrey,
Yours truly,

From a photostat of the office copy in Gandhiji's hand : S.N. 2730

5. *ADDRESS TO G. V. GODFREY*

[Before *March 18, 1898*][1]

GEO. VINCENT GODFREY, ESQ.
DURBAN

DEAR MR. GODFREY,

We, the undersigned Indians, hereby beg to congratulate you on your success at the recent Civil Services Examination of the Colony. The event derives great importance among the Indian community, as you are the first Indian in the Colony to have gone up for and passed that examination. The fact that you have failed before, to our minds, speaks in your favour; it shows that you persevered in spite of difficulties and failures, which are but a stepping-stone to success. We cannot omit to mention here that Mr. Subhan Godfrey deserves the thanks of the Indian community for having given you opportunity to prosecute your studies. He has indeed set an example to the other Indian parents in the Colony as to what a father should do to educate his children, as you have shown what an Indian youth in this Colony can do in the educational line if he has the opportunity. An even more striking instance of his liberality in educating his children is to be found in the fact of his having sent your eldest brother to Glasgow to pursue his medical studies. We are glad to know that your ambition does not end with the Civil Services Examination, but that you still wish to continue your studies much further. We pray that God may grant you health and long life to enable you to fulfil your desires, and hope that your perseverance and

[1] The address was presented on March 18, 1898, at a meeting of Indians in Durban.

industry will be copied by other young Indians in the Colony, and that your success will serve as an encouragement to them.

We remain,
Your sincere well-wishers
and friends[1]

The Natal Advertiser, 19-3-1898

6. *A STATEMENT OF ACCOUNT*

March 25, 1898

THE NATAL INDIAN CONGRESS

Dr. to M. K. Gandhi as on the 31st December

25.4.97	To check for stamps on memorials registration.	2- 2 -4
30.12.97	To Pitcher's Bill pd. re. cancellation of Bond	0- 9 -6
2.10.97	To stamps on memorial	0-14-0
16.10.97	To stamps letter to Nazar[2]	0- 0 -6½
6.12.97	To two chimney pieces	0- 2 -0
9.12.97	To check to Bank of Africa re. Fareed's ppty.	300- 0 -0
	Balance due	£ 303- 8 -4½

From a photostat of the office copy : S.N. 2723

7. *NOTES ON THE TEST CASE–I*[3]

[Before *April 4, 1898*][4]

With deference to Counsel's opinion expressed when I was in Pretoria, I submit that according to Clause 1 in the Act[5], the Indians to whom an attempt is being made to apply the Law do not come under it.

The Clause reads: "This Law is applicable to the persons belonging to one of the aboriginal races of Asia, among whom

[1] Gandhiji was one of the signatories.

[2] Mansukhlal Hiralal Nazar (1862-1906), who assisted Gandhiji in his work in South Africa; *vide* also Vol. II, p. 251.

[3] These and the following notes were prepared by Gandhiji to assist the counsel who represented Tayob Hajee Khan Mahomed in the Test Case.

[4] *Vide* the last paragraph of the following item.

[5] Law 3 of 1885, as amended in 1886

are comprehended the so-called Coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire."

I take it that the meaning of the various expressions in the clause to be accepted by the Court will be the meaning which a standard work, as for instance, a dictionary, would give them, and not the meaning given to them by the populace, either through ignorance or prejudice; I mean, in the absence of a definition of these expressions in the law itself.

If this be so, the meaning of the expression "aboriginal races of Asia" can only be found by a reference to an historical work. A reference to Hunter's[1] *Indian Empire*, Chapters 3 and 4, would shew at a glance who are the aborigines and who are not. The matter is put so plainly that there can be no mistake about the distinction between the two. It will be seen at once from the book that the Indians in South Africa belong to the Indo-Germanic stock or, more properly speaking, the Aryan stock. I do not know that there is any authority that has opposed this view. Works by Morris and Max Muller, easily obtainable in Pretoria, also support this view, and if this meaning of the expression is not accepted, I do not know what other meaning is to be attached to the expression.

A reference to the Green Books[2] would shew that even Sir Hercules Robinson (I am not sure as to the name) excepts from the clause under discussion the Indian traders under somewhat similar grounds, and if the Indians in the Republic are not included in the expression "aboriginal races of Asia", they are certainly not to be classed among Coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire.

Are they Coolies or Arabs? If books and despatches are to be relied upon, they are not either. And it may be stated here parenthetically that, if it was really intended to apply the Law to the Indians, the Law should have stated so clearly by putting the very word in. And if the matter has been left in doubt, the interpretation must be in favour of the Indians, the Law being a restrictive law. To return, the word "coolie", according to Webster, means an East Indian porter or carrier, especially a labourer transported from India, China, etc., for service in some other

[1] Sir William Wilson Hunter (1840-1900): sometime member of the Viceroy's Executive Council and later of the British Committee of the Indian National Congress. *Vide* also Vol. I, p. 37.

[2] The following is a marginal note in Gandhiji's hand: "Green Book No. 1, 1894, page 28, paras 7 & 8, also p. 36, id."

country and that is exactly the meaning given to it by the Natal Laws as well as other authorities. Sir Walter Wragg, in his judgment in the case of *Vinden* versus *the Ladysmith Local Board*[1], deals with the question pretty fully. Copy[2] of the full report of the case is hereto attached, *vide* pp. 10, 11 and 12.

That the Indians in the Republic are not Arabs does not require any authority to support this contention. They never belonged to Arabia, and the Indian Mahommedans, whom the populace miscalls Arabs, are simply converts from Hinduism. That fact no more makes an Indian an Arab than conversion from Buddhism to Christianity would make a Chinese a European.

The word "so-called" appears before "coolies": I don't know that that would alter what has been stated above.

From a photostat of the office copy : S.N. 3705

8. *NOTES ON THE TEST CASE–II*

DURBAN,
April 4, 1898

NOTES ON THE EVIDENCE REQUIRED IN "TAYOB HAJEE KHAN MAHOMED *v.* DR. LEYDS"

Evidence is required to prove that

(a) Plaintiff is a subject of the Queen of Great Britain.
(b) He has been established and [has] carried on business as a merchant in Church Street, Pretoria, since 1893.
(c) He has during that time conformed to and has obeyed the laws of the land.
(d) He is not an Arab.
(e) He is not a Mahommedan subject of the Turkish Empire.
(f) He is not a Malay.
(g) He is not a coolie in any sense of the term.

As to (a):

Plaintiff is a native of Porbunder, a port in Kattywar[3], a province in the south-west of India. Porbunder is under British

[1] This was a case of wrongful arrest in which the plaintiff, Mrs. Vinden, an Indian Christian, claimed £200 damages, as she was jailed after being asked for her pass one night by a native constable. The question arose whether she was a 'coloured person' in terms of the Law. The judge awarded Mrs. Vinden £20 as compensation for wrongful arrest. For Sir Walter Wragg's judgment, *vide* Appendix II.

[2] This is not available.

[3] Kathiawar

administration. Mr. H. O. Quin, styled the State Administrator, manages the States. A reference to any map of the world would show that the Province of Kattywar is included in British India and is marked red. In a separate map of British India, Kattywar and other portions would be found marked yellow. These are two divisions of British India, viz., that portion which is called *Khalsa*[1], or British India proper, under the direct control of British political officers, and the other, Protected British India, where there is an intermediary between the people and a British Officer. Nevertheless, inhabitants of both parts of India are, for our purposes, equally British subjects and entitled to the same privileges outside India. This portion can be proved by putting in any map, a standard geography, or even by getting the evidence of the British Agent. Further, Plaintiff has very often transacted business with the British Agents in his capacity as a British Indian trader and has been accepted as such.

The illuminated address[2] that went to the Queen on behalf of the British Indians in the Transvaal bore his among the other signatures. This also the British Agent could prove. And if that course is thought advisable and adopted, it may lend a certain dignity to the case, if it does nothing else.

I am also told that Plaintiff was, at one time, required to fill in a form by one of the Landdrosts[3] wherein he described himself as a British subject, and this was accepted by that officer.

As to (b):

It appears that, in 1882, he was a partner of Tayob Ismail; in 1883, joined the firm of Aboobaker Amod and Co., and was the resident partner and manager of the firm's business in Pretoria. Aboobaker Amod and Co. was transformed into Tayob Hajee Abdoolla & Co. in 1888 and, since 1892, he has been carrying on business as Tayob Hajee Khan Mahomed & Co., either with or without partners. He had and has other businesses also in the Transvaal. Many witnesses could prove this, or it might be possible to produce deeds of partnership or even the licenses, if they were granted.

As to (c):

Plaintiff has regularly paid taxes for properties belonging to him or occupied by him. There are no convictions against him. Receipts for the taxes might be put in. He contributed his share,

[1] Territory under direct administration of the British Government

[2] *Vide* Vol. II, p. 255.

[3] Magistrates or judicial officers

I believe, to the Commando levy[1]. He has kept his premises in good sanitary condition, as Dr. Veale can testify.

As to (d), (e) and (f):

If (a) is proved, i.e., if he is proved to be a British Indian, (d), (e), and (f) are proved *ipso facto*; for if he is an Indian he cannot be an Arab or Malay, and if he is a British subject he cannot be a Turkish subject. It is not denied that he is a Mahomedan, and the confusion has arisen because of that fact. Somehow or other, people in South Africa have come to look upon Indian Mahomedans as Arabs and Turkish subjects. Plaintiff is neither. He has never been to Arabia, even as a pilgrim, and he has never been to Turkey. An Indian Arab or an Indian Malay is an impossibility. Malays, I understand, are, or were formerly, natives of Java and were first brought to South Africa by the Dutch.

As to (g):

The expression "coolie" was first officially used by the Natal Legislature when they introduced into the Colony the *bona-fide* "coolies", i.e., field labourers, for their estates. There were no other Indians in the Colony or South Africa at the time, and it was not before 1870 that the first Indian trader came to South Africa. By this time, there was a large population of Indian field labourers, and they were at the time, without meaning any offence to their feelings, called "coolies" by the white men. As the Indian traders came, white men, not having known any other Indians, called them also "coolies", forgetting the specific meaning of the expression as applied not to a nation but to a class of labourers. Gradually, trade jealousy grew up, and the expression degenerated into a term of contempt as applied to Indian traders and began to be freely and consciously used. Some Europeans, having some respect for the traders and in order to make a distinction, began to call the Indian traders "Arabs". The expression "coolie" then followed the Indians wherever they went in South Africa, generally as a term of contempt; and remains so to the present day. For its legal or dictionary meaning, Webster might be taken as an authority. For its commercial and popular meaning as understood there, many merchants might be found willing to testify that they would never think of calling Plaintiff and Indians like himself "coolies", except in order to insult them.

[1] A tax collected in the Transvaal at the time of the Boer Commando action against the Kaffir Chief, Malaboch, in 1894

Attention is also drawn to my notes[1] sent some time ago specially as to the expression "coolie" and generally as to the interpretation of the law, as also to the case of *Vinden* v. *Ladysmith Corporation*[2], sent herewith, and containing Sir Walter Wragg's dissertation[3] on the expression "coolie".

M. K. GANDHI

From a photostat of the office copy : S.N. 3704

9. LETTER TO COLONIAL SECRETARY, NATAL

53C FIELD STREET,
DURBAN,
July 21, 1898

TO
THE HONOURABLE THE COLONIAL SECRETARY
P.M. BURG[4]

SIR,

I applied to the Immigration Officer at Durban for temporary permits for certain four Indians. The officer is prepared to grant the permits on a deposit of £25 each. On my applying to him to take £10 each, he informs me he has no authority to accept such small deposits.

I beg to draw your attention to the fact that a deposit of £10 is accepted at Charlestown. The system of deposits is a source of very great annoyance, and I submit that £10 is ample for the purpose for which the deposit is intended.

If the holders of temporary permits forfeit the deposits, the law can still reach them and they could be deported from the Colony. Under the circumstances, I trust you will be pleased to authorize the Immigration Officer at Durban to accept a deposit of £10 for each person requiring a temporary permit.

I have the honour to remain,
Sir,
Your obedient servant,
M. K. GANDHI

From the original in Gandhiji's hand : Pietermaritzburg Archives, No. C.S.O./4799/98

[1] *Vide* the preceding item.
[2] The preceding item, however, has "Local Board".
[3] *Vide* Appendix II.
[4] Pietermaritzburg

10. CABLE TO VICEROY

JOHANNESBURG, *via* ADEN,
August 19, 1898

FROM
BRITISH INDIANS
JOHANNESBURG

TO
HIS EXCELLENCY THE VICEROY OF INDIA
SIMLA

WE BRITISH INDIANS TRADING AT JOHANNESBURG RESPECTFULLY DESIRE TO BRING TO YOUR EXCELLENCY'S NOTICE THAT HIGH COURT HERE HAS DECIDED[1] THAT ALL INDIANS MUST RESIDE AND TRADE IN LOCATIONS ONLY.

Government of India, Foreign Department, Ministry of External Affairs : Pros September 1898, Nos. 55-6

11. PETITION TO INDIAN NATIONAL CONGRESS[2]

JOHANNESBURG,
SOUTH AFRICAN REPUBLIC,
August 22, 1898

TO
THE CHAIRMAN AND MEMBERS OF THE
INDIAN NATIONAL CONGRESS

GENTLEMEN,

We, the undersigned British subjects, residing at Johannesburg, in the South African Republic, desire to respectfully draw the attention of your Congress to the following facts:

[1] In the Test Case the Court held that there was no distinction between places of business and residences, and that Asiatics must reside as well as transact their business in Locations set apart for them by Government. *Vide* footnote 2, p. 1.

[2] Similar petitions were sent to the Secretary of State for the Colonies, the Secretary of State for India, and a copy to the British Committee of the Indian National Congress.

1. That we are British subjects, born in British India and trading at Johannesburg as merchants and shopkeepers.

2. That some of us have resided in this Republic for twelve years and upwards, and have valuable stocks of goods in our business premises at Johannesburg.

3. That we respectfully submit that as British subjects we are entitled to the full benefit of the Convention, known as the London Convention, entered into in the year 1884 between Her Majesty's Government and the Government of the South African Republic, Article 14 whereof provides that all British subjects shall have the right to reside and carry on business in any part of the South African Republic.

4. That the High Court of this Republic has recently decided that all Indians and other Asiatics must reside and trade in certain Locations to be pointed out by the Government of this Republic, and not elsewhere.

5. That the said decision of the High Court was based upon an enactment of the Volksraad[1] of this Republic, passed subsequent to the Convention aforesaid, to wit in the year 1885, being Law No. 3 of 1885, which said Law is in direct conflict with the express terms of the said Convention.

6. That, even assuming that we are bound by the provisions of the said Law No. 3 of 1885, which we deny, then we respectfully submit that the said decision of the High Court of this Republic is bad in law, and manifestly contrary to the true meaning and intent of the said Law, which provides that the Government of this Republic shall have the right to fix places of residence in Locations for Asiatics in this Republic, but in no way restrict the right of Asiatics to trade in any part of this Republic.

7. That the said decision of the High Court is final and no appeal lies therefrom.

8. That we cannot believe that it was or is the intention of Her Majesty's Government to consent to our being deprived of those rights expressly secured to all British subjects by the London Convention aforesaid and to consent to Indian British subjects being placed in a worse position, so far as treaty rights are concerned, than European British subjects.

9. That we have no doubt that the said decision of the High Court of this Republic will be enforced forthwith, and that we will be obliged to close our places of business in and about Johannesburg and to reside and trade in Locations to be fixed at

[1] Legislative Assembly

the arbitrary choice of the Government of this Republic, which proposed Locations are situated about *three miles* from Johannesburg, and adjoining the Kaffir[1] Location; the result of which measure will be that we will be ruined in our businesses, and be deprived of the means of earning a livelihood, and will be compelled to leave this State, as Johannesburg is the only important business centre in this Republic and the place where most of the Indians in this Republic reside and carry on business.

We, therefore, respectfully request your Congress to use its great influence on our behalf with a view to obtaining redress of our grievances.

We have the honour to be,
Gentlemen,
Your most obedient servants,[2]

India, 11-11-1898

12. *LETTER TO SECRETARY OF STATE FOR INDIA*

P. O. Box 1302,
JOHANNESBURG,
August 25, 1898

THE RIGHT HONOURABLE
LORD GEORGE HAMILTON
PRIVY COUNCILLOR, ETC.
SECRETARY OF STATE FOR INDIA
LONDON, ENGLAND

RIGHT HONOURABLE SIR,

On behalf of ourselves and other Indian British subjects residing at Johannesburg in the South African Republic we beg herewith to hand you the enclosed petition[3]

We have the honour to be,
Right Honourable Sir,
Your most obedient servants,
A. CHETTY
A. APPASAMY

Colonial Office Records : Memorials and Petitions, 1898

[1] A term by which the Native African Communities in South Africa were described. The expression, however, is no longer in use.

[2] Here follow various signatures.

[3] This was forwarded with the following remark from the Colonial Office: "The petition is word for word the same as that which has also been addressed to Mr. Chamberlain and the I.N.C." *Vide* the preceding item.

13. CABLE TO M. BHOWNAGGREE

JOHANNESBURG,
August 30, 1898

SIR MANCHERJEE BHOWNAGGREE[1]
LONDON

COURT DECIDED GOVERNMENT HAS POWER REMOVE INDIANS LOCATIONS FOR TRADE AND RESIDENCE JUDGE JORRISEN DISSENTING. GREAT CONSTERNATION. FEAR OF REMOVAL PARALYSING TRADE. LARGE ISSUES AT STAKE. RELYING MR. CHAMBERLAIN'S PROMISE MAKE REPRESENTATIONS AFTER TRIAL TEST CASE DEFINITE ISSUE NECESSARY. PLEASE HELP.

BRITISH INDIANS

Colonial Office Records : Memorials and Petitions, 1898

14. CABLE TO "INDIA"[2]

JOHANNESBURG,
[*August 30, 1898*][3]

THE COURT HAS DECIDED THAT THE GOVERNMENT HAS POWER TO REMOVE INDIANS IN THE TRANSVAAL TO LOCATIONS FOR BOTH TRADE AND RESIDENCE JUDGE JORRISEN DISSENTED FROM THE DECISION. GREAT CONSTERNATION PREVAILS. IT IS FEARED THAT THE REMOVAL TO LOCATIONS MAY PARALYSE TRADE. LARGE INTERESTS ARE AT STAKE. WE ARE RELYING UPON MR. CHAMBERLAIN'S PROMISE TO MAKE REPRESENTATIONS TO THE TRANSVAAL GOVERNMENT AFTER THE TRIAL OF A TEST CASE, WHICH, HE SAID, WAS NECESSARY TO SECURE A DEFINITE ISSUE.

India, 9-9-1898

[1] Member of the British Committee of the Indian National Congress in London

[2] This appeared as from the "Johannesburg Correspondent". Gandhiji was then acting as the Durban, Johannesburg and South African correspondent of *India*.

[3] This and the preceding cable were dispatched on the same day.

15. DADA OSMAN CASE

DURBAN,
September 14, 1898

A special meeting of the Town Council was held yesterday afternoon, to consider an appeal against the Licensing Officer's decision upon the application of Dada Osman for a wholesale and retail license for the premises No. 117, Grey Street. His Worship the Mayor (Mr. J. Nico) presided and there were also present the Hon. Mr. Jameson, M.L.C., Messrs M. S. Evans, M.L.A., Henwood, Collins, Challinor, Hitchins, Taylor Labistour, Garlicke (town solicitor) and Dyer (Licensing Officer). Mr. Gandhi appeared for the applicant.

The Town Clerk (Mr. Cooley) read the Licensing Officer's reasons for his decision as follows:

> "The Act 18 of 1897, as I understand, was passed with a view of placing some check on the issue of trading licenses to certain classes of people, generally regarded as undesirable, and, as I believe I am right in assuming that the applicant in question is one that would be included in that class, and, moreover, as he has never before had a license in Durban, I have felt it to be my duty to refuse the license."

The report of the Sanitary Inspector on the premises was also read, and was to the effect that they had been previously licensed and were suitable.

Mr. Alexander McWilliam, merchant, of West Street, called as a witness, said he had dealt largely with the applicant, who had owed him as much as £500 at a time. He had found him a good businessman, and honest in his dealings. In fact, he was prepared to trust him to the extent of £500 again. Witness considered the premises suitable and respectable for such a business as it was sought to carry on.

MR. COLLINS: Is the applicant capable of keeping books?

WITNESS: I do not know, but from the way he expresses himself in his letters to me, I should imagine that he would be able to keep books.

Dada Osman, the applicant, also gave evidence, and said he had been in Natal about 18 years. He had been engaged in business the whole of that time. He had two stores in Umsinga. He wanted to open a store in Durban, because his family lived here. Witness's private expenses here were £20 per month, and his rent for his house and store amounted to £11 per month with taxes. His house and store were lighted by electricity, and his household furniture, of the value of over £100, was purchased in Durban. He had business dealings with a number of large firms in Durban, and could

keep books in English, being acquainted with both single and double entry systems. Applicant's books had been inspected and passed by the Licensing Officer. A license was not absolutely necessary for the supply of his up-country stores but he desired a license so as to cover his living expenses in Durban, where he was obliged to keep a house, as his wife could not very well travel with him between Vryheid and Umsinga, to which places he had to go from time to time in connection with his businesses. He had 2 stores in Umsinga, and had never had a license in Durban. The Umsinga stores had been in his possession over 15 years, and, during that time, he had bought all his goods in Durban. If the Council refused his license, he would not have to shut up his up-country stores. His wife had been in Natal 5 months. He was married in India 8 years ago and had visited India since.

Abdul Cadir, managing partner of the firm Mahomed Cassim & Company, owners of the premises in respect of which the application was made, was called, and said the rent fixed was £10 and taxes. The store had been licensed before. Witness owned 3 or 4 properties in Durban, amounting in value to between £18,000 and £20,000. Most of this property was let and if Osman did not obtain a license, witness would lose the rent of that particular store. He had known the applicant a long time, and knew that he would be a good tenant.

Further evidence as to applicant's respectability was given by another Indian merchant.

Mr. Gandhi stated that the last occasion on which he addressed the Council he, unfortunately, failed to convince them that the landlord's interests should be considered. The managing partner of the firm of Mahomed Cassim & Company told the Council that day that the present applicant was the best tenant he could get for the premises and that he owned property of the value of £18,000, most of which he hired to persons such as the applicant. He further said that if the license was withheld from the applicant, he would not be able to get a tenant for his premises. It was clear that the landlord's interests ought to be considered. Mr. Abdul Cadir was a ratepayer just as good as any of the ratepayers of the Borough, and his voice should be heard by the Council. In the applicant, Abdul Cadir had a tenant whom he had known for a very long time and it would be a hardship to the landlord if the license was refused. The premises were suitable for a store, and it would not be possible for the landlord to hire them for any other purpose. Evidence had been led to the effect that the store had been previously licensed, and Mr. McWilliam, a perfectly disinterested witness, stated that the premises were decent and respectable. Under the circumstances, he hoped the Council would give due weight to the interests of the landlord. As to the applicant himself, testimony had been brought forward to show that his evidence was true, and he desired to do some business in Durban to meet the expenses entailed in maintaining a household here. They had in

the applicant a man perfectly decent and respectable, straight in his dealings, who could speak English sufficiently to make himself understood, and kept books in English. Applicant's books had previously been passed, and he thought the Council would admit that the applicant had stood the test very well indeed. There could not be the slightest objection either to the premises or the applicant. There was nothing objectionable in the applicant except what the Licensing Officer had been pleased to state in his reasons, and, with all deference to the Council, he submitted that the Licensing Officer had nothing whatever to do with the speeches made in the Legislative Assembly at the time the Act was passed. There was nothing in the preamble of the Act to show that this was the intention of the measure. It merely said that it was necessary to regulate the issue of licenses to wholesale and retail dealers, no distinction being made as to desirables or undesirables, and yet the Licensing Officer, who was supposed to have a judicial mind at the time of considering applications, had actually gone out of his way to refer to speeches made at the time the Act was passed. This was a most extraordinary course for a Licensing Officer to take, and he hoped that because the Licensing Officer had seen fit to refuse the license for the reasons given, they would upset the decision. The Licensing Officer stated that he believed he was right in assuming that the applicant would be included in the undesirable class, but what right had he to make such an assumption? He (Mr. Gandhi) would like to know who was an undesirable and how such a person would be described, and would venture to cite the opinion of the Secretary of State for the Colonies on the point. Mr. Gandhi read extracts from a speech delivered by Mr. Chamberlain at the conference with the Colonial Premiers, when the Right Hon. gentleman said they had to bear in mind the traditions of the Empire, which made no distinction in favour of or against a race on the grounds of colour, and referred to the wealth and civilization of Indians, and the services they had rendered the Empire in times of trouble. According to Mr. Chamberlain, it was the character of the immigrants they had to deal with, and it was not because a man was of a different colour to themselves that he was undesirable, but because he was dirty or immoral, or a pauper, or because he was in some other way objectionable. That was what an undesirable immigrant was in the opinion of the Secretary of State for the Colonies, and no such objection could be brought against his client. The only objection that had been raised to the applicant, and that had been discounted by the Secretary of State, was that he was an Indian, and, therefore, came to be classed as an undesirable person. He hoped that that reason would not be accepted by the Council. The Licensing Officer had placed the Indian community under a deep debt of gratitude by giving the only reason for which these licenses were refused. It had been said in that Council Chamber that the objection to Indians was not their colour, or because they were Indians, but because they would not live in a decent manner.

That objection could not be advanced against his client. He wished to point out that if the Council refused that license, they would place all Indians in the same scale, and would not encourage them to live in premises that were decent and respectable and to live in every way like respectable citizens. Everything done with regard to these licenses became known outside, and if a license was refused to such a man as his client, Indians would say that the Town Council did not want them to live decently and honestly, but anyhow. The Council should not allow such a feeling to be created among the Indian population. It was said on a previous occasion that it was necessary that these licenses should not be increased, but that question did not arise in the present case, as the store for which a license was applied for had been licensed that year. By granting the application the number of licenses would not be added to. If these stores were to be shut up, the Indian landlords would have to shut up their businesses, and he hoped the Council would give due consideration to the appeal, and order the issue of a license to his client.

Mr. Taylor said he was not convinced that the Licensing Officer was in error, and he, therefore, moved that the decision be confirmed.

Mr. Collins said that he was not at all surprised that there was a very great deal of reluctance on the part of the Council to refuse the license, but he believed the license was going to be refused, and he had no hesitation in saying that the reason was not that the applicant was not suitable except for the fact of his being an Indian. What Mr. Gandhi had said was perfectly true, and he (Mr. Collins) felt some relief in saying that most of these licenses, if not all, had been refused mainly on that ground. The Council had been placed in a very unhappy position because it had to carry out a policy which, in the discretion of Parliament, had been considered necessary. Parliament, representing the community, had come to the conclusion that it was undesirable that Indians should increase their hold on the trade of Durban, and it was on that ground that the Council was practically called upon to refuse licenses which were not otherwise objectionable. He thought the applicant would have a grievance by the refusal of the license, but it had been found expedient, as a matter of Colonial policy, that these licenses should not be increased, and he, therefore, seconded Mr. Taylor's motion.

The Mayor said that Messrs Evans, Labistour, and Hitchins would not be able to vote as they had come in late.

Mr. Labistour said that, with regard to his being late, he thought an apology was due from him to His Worship and the other members of the Council, but he would like to explain that he had studiously avoided attending these licensing meetings, as he thoroughly disagreed with the dirty work they were called upon to do. He had come into that meeting expecting that the licensing business would have been concluded earlier, and that the ordinary business would be commenced by the time he arrived. The remarks made by

Mr. Collins met with his approval, but any councillor could mark his dissent with what they were called upon to do by not taking part in it. He held that, sitting as a court of appeal, it was for them to hear the evidence, and, unless there was some good ground against an applicant, they ought to grant the license. If the burgesses of Durban, or the people of the Colony, wished these licenses to be stopped, they could go to the Legislature and put an end to applications for licenses by members of the Indian community.

On being put, Mr. Taylor's motion to uphold the Licensing Officer's decision was carried *nem con.*, and the appeal was consequently dismissed.

The Natal Mercury, 15-9-1898

16. NOTICE FOR A MEETING

[DURBAN,]
Thursday, September 15, 1898

SIR,

A meeting of the Congress will be held tomorrow evening at 8 p.m. punctually to deal with the following matters:

Congress report—Accounts—Consideration of the debt—Sanction for £10 sent to Mr. Nazar—Sanction for £10 sent to Sir Mancherjee Bhownaggree—Sanction for repayment of debt incurred by Mr. Nazar—Resignation of the Honorary Secretary and other business.

Mr. Nazar will not attend the meeting.

It is hoped that in view of the importance of the meeting, all the members will be present.

Meeting of the Congress will take place tomorrow evening at 8 p.m. punctually to consider report of the Hon. Sec., etc., etc.[1]

M. K. GANDHI

From the Gujarati original: S.N. 2807

[1] This sentence is in English.

17. TELEGRAM TO COLONIAL SECRETARY, NATAL

DURBAN,
November 3, 1898

FROM
MAHOMED CASSIM CAMROODEEN & CO.
TO
HON'BLE COLONIAL SECRETARY
P. M. BURG

RULES PUBLISHED GAZETTE RE VISITORS AND EMBARKATION PASSES HAVE CREATED GREAT DISSATISFACTION AMONG INDIANS. MEMORIAL TO HIS EXCELLENCY BEING PREPARED.[1] HUMBLY REQUEST BEHALF INDIAN COMMUNITY SUSPENSION RULES MEANWHILE.[2]

From a photostat of a copy: S.N. 8245

18. PETITION TO INDIAN NATIONAL CONGRESS

JOHANNESBURG,
S. A. REPUBLIC,
November 28, 1898

TO
THE CHAIRMAN OF THE INDIAN NATIONAL CONGRESS

DEAR SIR,

We, the undersigned British Indians, residing at Johannesburg in the South African Republic, beg respectfully to draw the attention of your Congress to the following facts:

1. That by Government Notice No. 621, published in the *Staats Courant* of this Republic, dated November 19, 1898, copy whereof is hereunto annexed, all Indians and other Asiatics are ordered, from and after the first day of January, 1899, to reside and trade only in Locations to be pointed out by the Government of this State.

[1] *Vide* "Petition to Secretary of State for Colonies", 31-12-1898.
[2] Here follow the words "Sd. M. K. Gandhi" under the column "Signature of Sender"; *vide* illustration facing p. 24.

2. We respectfully submit that the terms of the said Government Notice are in conflict with the provisions of the "London Convention", which provides that all British subjects, without any distinction, shall have the full right to reside and trade in any part of the South African Republic.

3. That should the provisions of the said Government Notice be carried into effect, we will suffer great pecuniary loss, as many of us have established ourselves in business in Johannesburg and elsewhere in this Republic.

We, therefore, respectfully request your Congress to use its influence on our behalf, with a view to obviating the serious injury that will otherwise be inflicted upon us.

We have the honour to be,
Sir,
Your obedient servants,
V. A. CHETTY
A. PILLAY AND CO.
V. MOORROOSAMY MODELIAR
A. KESTNASAMY
A. APPASAMY

[ANNEXURE]

GOVERNMENT NOTICE NO. 621[1]

For general information it is hereby notified that the Honourable Executive Council, by resolution of Art. 1101, dated November 15, 1898, has decided:

1. That the Coolies and other Asiatic Natives who do not at present reside and trade in the specified Locations, but in conflict with the law, live and trade in a town or village or other prohibited area, shall be ordered by the Landdrost or Mining Commissioner, or, acting on their instructions by the Field Cornet, to proceed to live and trade in the specified Locations before January 1, 1899, in terms of Law 3 of 1885.

2. The Landdrosts and the Mining Commissioners shall, however, prepare two lists of names of those Coolies or other Asiatic Natives who, for a considerable period, have traded in places other than the specified Locations, and for whom it would consequently be difficult to remove their businesses within such a short period. On the one list shall be placed the names of Coolies or other Asiatic Natives to whom, in the opinion of the Landdrost or Mining Commissioner, at the utmost three months' postponement may be given, and on the second the names of those who may receive six months', thus respectively to April

[1] The Notice had originally appeared in Dutch,

1 and July 1 of 1899, in which to comply with the law. The Coolies or other Asiatic Natives must themselves ask for such postponement and give reasons therefor.

3. That should application thereanent be made, in order to assist the Coolies and other Asiatic traders, the question of reserving a piece of ground in the Location as a bazaar, or for a covered building with shops, will be favourably considered.

In connexion with the above, it is further notified that those Asiatics who consider that they do not fall within the pale of Law 3, 1885, either by virtue of their having entered into an agreement before that date which has not yet expired, or through their having obtained transfer of their property, shall communicate with the Landdrost or Mining Commissioner before January 1 in order that their case may be laid before the Government.

India, 23-12-1898

19. CABLE TO "INDIA"

JOHANNESBURG,
December 5, 1898

THE GOVERNMENT OF THE SOUTH AFRICAN REPUBLIC HAS PUBLISHED AND GIVEN NOTICE REQUIRING INDIANS TO RESIDE AND TRADE IN CERTAIN LOCATIONS ON AND AFTER JANUARY 1 NEXT. THEY EARNESTLY HOPE THAT ADVANTAGE WILL BE TAKEN OF THE VISIT OF THE CAPE HIGH COMMISSIONER TO ENGLAND TO ADVANCE THEIR CAUSE. THE PRESENT UNCERTAINTY IS CAUSING ANXIETY.

India, 9-12-1898

20. BRIEF FOR COUNSEL'S OPINION

DURBAN,
December 22, 1898

BRIEF FOR COUNSEL'S OPINION UNDER ACT 18 OF 1897 TO AMEND THE LAW RELATING TO LICENSES TO WHOLESALE AND RETAIL DEALERS

A Town Council issues secret or public instructions to the Licensing Officer appointed by it under the Act:

1. Not to grant licenses to Asiatics.
2. Not to grant licenses to certain persons.
3. Not to grant licenses to most of the Asiatic traders.

Copy No 4

NATAL GOVERNMENT TELEGRAPHS. No. of Message

Code.	Class.	Sent.	For Stamps.	Office Stamp.
...ace of Origin and Service Instructions.		At ... m. To ... By ... Words Charge.	(A receipt for the Charges on this Telegram can be obtained, price Twopence.)	

FROM Please write Distinctly. TO

Mahomed Cassim Camroodeen & Co | Honble Colonial Secretary P. M. Burg

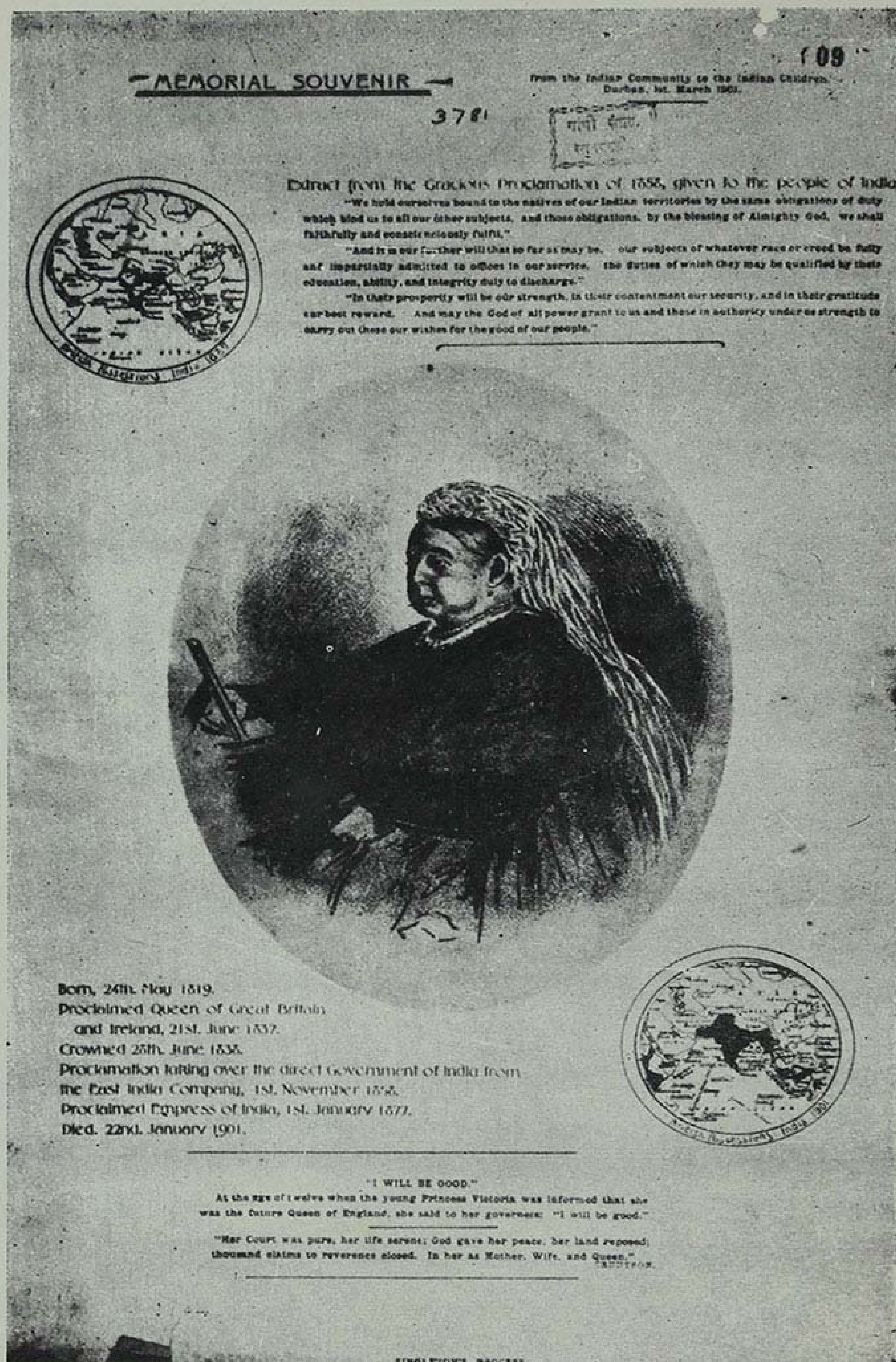
Rules published Gazette re visitors' and embarkation passes have created great dissatisfaction among Indians. Memorial to His Excellency being prepared. Humbly request behalf Indian Community suspension rules meanwhile.

3/11/98

Signature of Sender Yd M K Gandhi Address (in full)

T. 1 [SEE OVER

TELEGRAM TO COLONIAL SECRETARY, NATAL



109

MEMORIAL SOUVENIR

From the Indian Community to the Indian Children.
Durban, 1st. March 1901.

3781

Extract from the Gracious Proclamation of 1858, given to the people of India.

"We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscienciously fulfil."

"And it is our further will that so far as may be, our subjects of whatever race or creed be fully and impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability, and integrity duly to discharge."

"In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all power grant to us and those in authority under us strength to carry out these our wishes for the good of our people."

Born, 24th. May 1819.
Proclaimed Queen of Great Britain
and Ireland, 21st. June 1837.
Crowned 28th. June 1838.
Proclamation taking over the direct Government of India from
the East India Company, 1st. November 1858.
Proclaimed Empress of India, 1st. January 1877.
Died. 22nd. January 1901.

"I WILL BE GOOD."

At the age of twelve when the young Princess Victoria was informed that she was the future Queen of England, she said to her governess: "I will be good."

"Her Court was pure; her life serene; God gave her peace; her land reposed; thousand claims to reverence closed. In her as Mother, Wife, and Queen."

TENNYSON.

SINGLETON'S PROCESS.

QUEEN VICTORIA SOUVENIR

Could the Supreme Court be moved by an intending applicant to direct the Town Council to appoint another officer and not in any way to interfere with such Officer's discretion?

A Town Council appoints one of its permanent officials, as for instance, the Town Clerk, the Town Treasurer, the Chief Cashier.

Could an intending applicant move the Supreme Court to direct the Town Council to appoint an absolutely independent person on the ground that the permanent officer would be so much under the influence of the Town Council that he could not be expected to give an unbiassed decision uninfluenced by the views of the Town Council, and on the ground that the intending applicant would practically be denied the right of approaching two separate tribunals—one original and the other appellate?

A Licensing Officer, under the Act, refuses to issue a license to a person on the ground that he is an Indian. Could the Supreme Court be moved to tell the Officer that the fact of a person being an Indian is no reason for a refusal, and that he should reconsider his decision subject to that direction?

If a Licensing Officer arbitrarily refuses to issue licenses to all the Indians or a majority of them, can he be said to have used a discretion in either or both the cases?

A person having applied for and been refused a license to trade carries on his trade without a license. He is tried for contravention of Section 9 of the Act, and convicted. He pays the penalty but continues to trade. Is the trading after the conviction, but during the statutory year, a fresh offence?

Does a person trading without a license for so many days commit so many offences under the Act?

What would be the procedure for collecting the fine?

If the person convicted is bonded to another person and if the bondholder takes possession, will the penalty be a preferent charge against the goods so bonded? (NOTE: All penalties recovered under the Act in respect of a business within a Township are payable to the funds of such Township.)

Will it be competent for the Governor-in-Council to pass, under the last section of the Act, such rules as would control the discretion of the Licensing Officer, and make it practically obligatory on the Licensing Officer to issue licenses under certain conditions?

M. K. GANDHI

From a photostat of the original in Gandhiji's hand: S.N. 2904

21. PETITION TO SECRETARY OF STATE FOR COLONIES

DURBAN,
December 31, 1898

TO
THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN
HER MAJESTY'S PRINCIPAL SECRETARY OF STATE
FOR THE COLONIES
LONDON

THE HUMBLE PETITION OF THE UNDERSIGNED REPRESENTING
THE BRITISH INDIANS RESIDING IN THE
COLONY OF NATAL

HUMBLY SHEWETH,

That your Petitioners hereby venture to approach Her Majesty's Government with reference to the Dealers' Licenses Act, against which your Petitioners unsuccessfully protested[1] last year.

Your Petitioners might have approached Her Majesty's Government earlier, but it was their intention, first, to watch the operation of the Act patiently for some time, and to see whether the fears anticipated in the memorial submitted to Her Majesty's Government embodying the above protest were well-founded or not and, secondly, to exhaust all the resources available in the Colony, and to obtain a proper judicial interpretation of the Act.

It is with great regret that your Petitioners have to record that the fears expressed in the memorial above referred to have been more than realized, and that the judicial interpretation has been given against the British Indians in the Colony. In a case, herein below referred to[2] Their Lordships of the Privy Council have decided that, from the decisions of the Town Councils or the Town Boards, there is no appeal to the Supreme Court of the Colony, under the above Act. This decision has paralysed the Indian traders. Consternation has seized hold of them, and there prevails amongst them a feeling of insecurity and a nervous fear as to what may happen during the ensuing year.

[1] *Vide* Vol. II, pp. 140-229.
[2] *Vide* p. 35.

The troubles the Indian community is passing through are numerous. The working of the Immigration Restriction Act, against which also your Petitioners ineffectually protested, is causing much vexation. Lately, the Government have passed Rules under it whereby a fee of one pound is required from each person not being able to pass the tests imposed by the Act, and wishing to sojourn for from one day up to six weeks, or to pass through the Colony for the purposes of embarkation. While a memorial was being prepared in connection with these Rules and other matters arising out of the above Act, the decision of the Privy Council came upon the Indian community like a bomb-shell, and all the other troubles dwindled into comparative insignificance in the face of the awful future awaiting the Indian traders. It has, therefore, become absolutely necessary to give the first place to the Dealers' Licenses Act.

The only hope of the Indian traders in Natal now lies in the relief that might be granted through the intervention of Her Majesty's Government. Your Petitioners venture to claim in all parts of Her Majesty's dominions the same privileges and rights that are enjoyed by Her Majesty's other subjects, in virtue of the Proclamation of 1858, and more especially in the Colony of Natal, in virtue of the following statement in your predecessor's Despatch with reference to previous memorials, viz., "It is the desire of Her Majesty's Government that the Queen's Indian subjects should be treated upon a footing of equality with all Her Majesty's other subjects."[1] Moreover, your Petitioners trust that Her Majesty's Government would be pleased to secure from the Colony of Natal, which owes its present prosperity to the indentured Indians, a fair treatment for the free Indians in the Colony.

All over the world, whenever necessary, Indian soldiers have been fighting the battles of Great Britain, and Indian labourers have been opening up fresh fields for colonization. Only the other day, a Reuter's cablegram stated that Indian soldiers would be requisitioned to train up the natives in Rhodesia. Can it be that the fellow-countrymen of these soldiers and labourers are not to be allowed to earn an honest living in a portion of Her Majesty's dominions?

And yet, as will appear hereinbelow, there is an organized attempt being made in the Colony of Natal not only to *deny* to the Indian traders the right of earning an honest living, but also to *deprive* them of such right which they have been enjoying for

[1] *Vide* Vol. I, p. 213.

years past in the Colony; and the instrument whereby the European Colonists in Natal hope to achieve their purpose is the above Act.

The Durban Town Council consists of eleven councillors, and is the premier Corporation in the Colony. Of these councillors, one is an avowed and out-and-out opponent of the Indians. He played a leading part in the Demonstration against the landing of the passengers on board the *Courtland* and the *Naderi* early last year.[1] He was noted for his most violent speeches. He has carried his hatred of the Indians into the portals of the Town Council, and has so for invariably, and irrespective of persons, opposed the granting of trade licences to Indians. As there are only two classes of Europeans—the one violently against the Indians, and the other indifferent—this councillor, as a rule, carries the day before him whenever a matter concerning the Indians comes for disposal before the Council. The Licensing Officer appointed under the Act is a permanent officer of the Corporation, and is, therefore, in your Petitioners' humble opinion, more or less under the influence of the councillors. In a case presently to be referred to, Sir Walter Wragg, the first Puisne Judge, who was then acting for the Chief Justice, has thus observed about the danger of a permanent officer of a Town Council being appointed its Licensing Officer:

> It has been suggested to the Court that an officer so appointed must have a certain amount of bias in his mind, because he was an officer permanently under the Town Council, and must be in the Council's confidence. His Lordship was not going to decide the matter on that point; but he could quite see that the Licensing Officer should be some person who was not in the Town Council service, and who was not in the confidence of the Council. (*The Natal Witness*, March 31, 1898)

This Licensing Officer examines the pecuniary position of applicants for licences, asks them questions as to their stock, capital, and generally inquires into their private affairs. He has made it a rule not to grant a trading licence to any Indian who has not before held such a licence in Durban, whether the applicant has held a licence elsewhere in the Colony or not, whether he is an old resident or a new arrival, whether he is an accomplished gentleman knowing English or an ordinary trader, and whether the premises in respect of which the licence is sought are suitable in every respect and have been before licensed or not.

[1] *Vide* Vol. II, p. 150.

Somnath Maharaj, an Indian, early this year, applied for a licence to carry on a retail trade in the borough. His application was taken in. He was examined at length as to his position by the Licensing Officer. Nothing could be found against him. The Sanitary Inspector made a favourable report regarding the premises in which he intended to carry on his trade. The premises had just been vacated by an Indian storekeeper who had left for Johannesburg. The Licensing Officer, however, after having failed to find fault either with the person or with the premises, refused a licence without giving any reason for his decision. The matter was heard in appeal before the Town Council.[1] It was proved that the applicant had served the Colony for five years under indenture, had been resident in the Colony for thirteen years as a free Indian, had by dint of perseverance raised himself to the position of a trader, had held a licence in Mooi River in the Colony over six years, had a cash capital of fifty pounds, held a piece of freehold land in the borough, had his dwelling-house separate and some distance from the intended store, and had engaged the services of a European book-keeper to satisfy the requirements of the Law. Three well-known European merchants certified as to his respectability and honest dealings. He was to trade in a locality mostly inhabited by Indians, and his custom was to be entirely Indian. Counsel for the applicant asked for the Licensing Officer's reasons for refusal, as well as a copy of the record of the application. Both these applications were rejected, and the Licensing Officer's decision was upheld by the Town Council. An appeal to the Supreme Court was noted against the decision—not on its merits, for that Court had already by this time decided by a majority that, in virtue of the Dealers' Licenses Act, it had no jurisdiction to hear licence appeals on merits, but on grounds of irregularity, viz., that reasons were refused, that a copy of the record was withheld from applicant's counsel, and that the councillors with the Town Solicitor, the Town Clerk, and the Licensing Officer, while the appeal was being heard, retired for secret deliberation into a private room. The Supreme Court entertained the appeal, quashed the proceedings of the Town Council, with costs, in favour of the appellant, and directed a re-hearing. In giving the Court's decision, the Acting Chief Justice remarked:

> What struck one as being wrong in this case was that the copy of the record should be withheld. The application was made to the Council

[1] *Vide* pp. 2-4.

by the appellant for a copy of the record and reasons why the licence had been refused. There was nothing wrong in the application. It was one which, in the interests of justice, should have been granted. But it was refused. And when the appellant's counsel came before the Council, he was in the dark as to the record, and he did not know what was operating in the mind of the Licensing Officer. . . . It seemed to him that the action of the Town Council in this case had been oppressive. . . . It seemed to him that the refusal of both requests was unjudicial and an improper proceeding. (*The Times of Natal*, March 30, 1898)

Mr. Justice Mason:

Considered the proceedings under appeal were a disgrace to the Town Council, and he did not hesitate to use this strong language. He considered under the circumstances that it was an abuse of words to say there had been an appeal to the Town Council. (*The Times of Natal*, March 30, 1898)

The appeal was reheard before the Town Council. This time a copy of the record was given; and when called upon to give further reasons for his refusal, the Licensing Officer stated: "that the applicant had no claim whatever upon Durban, as the class of trade he was engaged in was sufficiently provided for in the town and borough." The Officer's decision was however upheld, a councillor moving "that it was undesirable that the licence should be granted in view of the fact that the percentage of licences already granted was in excess of the requirements of the population." The Council took no notice of the facts that, only a few months before, there was a storekeeper in the premises sought to be licensed, that the storekeeper had left Durban, that, therefore, there was no question of increasing the number of licences, and that the landlords, who are Indians and were also represented, had, too, a claim for consideration at the hands of the Council. The premises in question, which are only suitable for a store, have to this day remained practically vacant, causing a loss to the owners of £35 to date. Your Petitioners venture to annex hereto a report of the proceedings of the first hearing of the above appeal before the Town Council, which clearly shows its spirit. (*Vide* Appendix A.)[1]

Mahomed Majam & Co. applied to the Licensing Officer for a trade licence, with respect to premises belonging to an Indian gentleman who owns large pieces of freehold property in Durban and whose principal source of income is renting of his properties

[1] *Vide* "Somnath Maharaj Case", pp. 2-4.

to tradesmen. The Licensing Officer refused to grant the licence for reasons similar to those given in the case above referred to. The landlord appealed to the Town Council against the decision of the Licensing Officer. The Town Council dismissed the appeal. As a consequence, he, the landlord, was compelled to reduce the rent of his property and Mahomed Majam & Co. are reduced to poverty, and have to live entirely on the work of one of their partners who is a tinsmith.

Hasam Mahomed is a hawker by profession. He has been a hawker before in Durban. He went to the Licensing Officer, and from him to the Town Council, but was denied the privilege of hawking. He told the Council that to deny him that privilege was equivalent to asking him to court starvation. He had tried to earn his bread otherwise, but had failed, and was without capital to undertake anything else. He submitted to the Council that he did not come in competition with any European, that hawking was practically a speciality of the Indians who raised no objection to his getting the licence; but all these representations were of no avail.

Mr. Dada Osman has been in the Colony for over fifteen years,[1] has received a fairly good English education, was connected with the then premier Indian firm in South Africa, and has now a business in Umsinga in this Colony, and another in Vryheid in the Transvaal. This year he sent for his wife and children from India. As he could not find suitable society for his wife in either of the above places, and in order to meet the extra expense required owing to the arrival of his family, he intended to settle in Durban, so that he could supply his businesses upcountry with goods himself, and also do some business in Durban. So sure did he feel of securing the licence that he rented a spacious building in a principal street in Durban from a firm of Indian merchants at £11 per month, bought over £100 worth furniture, and approached the Licensing Officer who, as usual, thoroughly went into his affairs, tested his knowledge of English as well as of book-keeping, and after having required Mr. Dada Osman to appear before him thrice, declined to entertain his application. Both the landlord and he appealed against the decision. Required by the Town Council, the Licensing Officer gave the following reason:

> The Act 18 of 1897, as I understand, was passed with a view of placing some check on the issue of trading licences to certain classes

[1] *Vide* pp. 17-21.

of people, generally regarded as undesirables. And as I believe I am right in assuming that the applicant in question is one that would be included in that class, and moreover as he has never before had a licence in Durban, I have felt it my duty to refuse his licence.

It was thus, in this case, for the first time that the real reason for the refusal of so many licences was given in all its nakedness. A principal merchant of Durban, Mr. Alexander McWilliam, said in his evidence before the Council:

I have known the applicant for a great number of years—12 or 14 years. I have dealt very largely with the applicant. He has owed me at times as much as £500. My dealings with him have been perfectly satisfactory. I found him to be a very good businessman, and respectable. I have always been able to take his word for anything he says. . . . As a ratepayer, I should have no objection to his getting a licence. I do not know whether he is capable of keeping books, but he can express himself well in English in writing. I should imagine from the way he writes here and the way he conducts his business he would be able to keep books. (Handed in a letter written by applicant.)

In addition to the facts related above about the applicant's position, the following was brought out in his (applicant's) evidence given in English:

My private family expenses are about £20 per month, apart from the store. . . . I have a house apart from the store. . . . My house and store are lighted by electricity. . . . I deal with S. Butcher & Sons, Randles Brother & Hudson, H. & T. McCubbin, L. Kehrmann, A. Fass & Co., M. Laurie, and others. I can write simple letters in English. I know book-keeping. I have kept books in Vryheid. I keep ledger, journal, day, cash, stock, account, and invoice books. I know the single and double entry systems.

Mr. Abdool Kadir, the landlord, said:

I am manager to the firm of M. C. Camroodeen & Co. . . . The store (in question) was licensed before. I. Timol, had a licence there. . . . I own 3 or 4 properties in Durban, of the total value of about £18,000 to £20,000, on the valuation roll. Most of this property I hire out to tenants. If Dada Osman does not get his licence, I shall lose rent. He is a very good tenant. . . . I have known him a long time. He is living well. He has plenty of furniture in his house. . . . I am not satisfied with the decision of the Licensing Officer.

The Council was reminded of the definition given by you to he Colonial Premiers,[1] of "an undesirable person", viz., "It is

[1] *Vide* Vol. II, pp. 287-8.

not because a man is of a different colour from ourselves that he is necessarily an undesirable immigrant. But it is because he is dirty, or immoral, or a pauper, or has some other objection which could be defined by an Act of Parliament." But all this proved to be a mere cry in the wilderness. The Councillor, who had borne the Demonstration Committee's flag in 1897, and was ready to return "by force, if necessary" the Indian passengers on board the *Courland* and the *Naderi*, "failed to be convinced" that the action of the Licensing Officer was an error, and moved that his decision be confirmed. No one would rise to second the motion, and for a moment it seemed as if the Town Council was ready to do justice. But Mr. Collins, another Councillor, came to the rescue, and seconded the motion in the following speech:

> He was not surprised that there was a great deal of reluctance on the part of the Council to refuse the licence. But he believed that the licence would be refused, and the reason was not because the applicant or the premises were unsuitable but because the applicant was an Indian. What Mr. Gandhi had said was perfectly true, and he (Mr. Collins) felt some relief in saying that most of these licences had been refused principally on the ground of the applicants being Indians. The Council was placed in a very unhappy position in having to carry out a policy which in the discretion of Parliament was considered necessary. Parliament, representing the community of Natal, had come to the conclusion that it was undesirable that the Indians should increase their hold on the trade of Durban. And it was on that account that they were practically called upon to refuse the licences which were not otherwise objectionable. Personally, he considered the refusal of the licence a grievance to the applicant who was a most suitable person to appear before the Council to ask for a licence. But it had been found expedient, as a matter of Colonial policy, that these licences should not be increased. (*The Natal Advertiser*, September 13, 1891[1])

It may be here remarked that Mr. Collins holds a prominent position among the public men of Natal. He has often occupied the position of the Deputy Mayor, and has more than once acted for the Mayor. Coming as it did from such a source, the pronouncement was most painful, if also equally important. It is respectfully submitted that the Natal Legislature, if the then Prime Minister correctly voiced its feeling, never meant, as it would appear later, to go the length Mr. Collins did. The intention of

[1] The date appears to be a misprint; *vide* "Dada Osman Case", pp.17-21.

the Legislature was to prevent *new comers*—by no means *all* new-comers—being Indians, from obtaining licences; and your Petitioners venture to feel certain that, had the view taken by Mr. Collins of the Act been placed before Her Majesty's Government, it would never have received the Royal assent. Mr. Collins evidently seems to think that the Parliament represents only the European community of Natal. Your Petitioners can only say that it is lamentable, if it is true. The Indians were told differently when the attempt was made to disfranchise them entirely. Again, Mr. Collins thought the granting of the licence in question would mean an increase; as a matter of fact, the premises sought to be licensed had been licensed for the year; they had become vacant as the licence-holder had suffered misfortune and stopped business. The present applicant, therefore, would not have added to the number of licence-holders in the borough.

Mr. Labistour, another Councillor, and a prominent local Advocate, was so disgusted with the whole procedure that he thus gave vent to his sentiments:

> He had purposely refrained from attending the meeting owing to the anomalous policy pursued in appeals of that kind. He disagreed with the dirty work they (Councillors) were called upon to do. If the burgesses wished all such licences stopped, there was a clean way of going about the matter, viz., getting the Legislative Assembly to enact a measure against the granting of licences to the Indian community. But, sitting as a Court of Appeal, unless there were good grounds to the contrary, the licence should be granted. (ibid.)

Mr. Labistour having, as he said, come purposely late could not vote, and the motion was carried unanimously, and the appeal dismissed.

In your Petitioners' humble opinion, it is almost impossible to imagine a stronger case than the above, or greater injustice than that done by the Durban Town Council—a Town Council of a British Colony—sitting in appeal as a judicial body. It has put a premium upon insanitation and questionable trade practices. What incentives could your Petitioners hold out to the weaker members of the Indian community? They, the weaker members, might say: 'You ask us to adopt the modern sanitary methods, and live better; and you promise that the Government would deal fairly by us: we don't believe this. Does not your Dada Osman live as well as any European on the same platform? Has that meant anything to the Town Council? No; whether we live well or live ill, we would fare neither better nor worse.' The

European Colonists have been proclaiming that they would have no objection to respectable Indians living in the modern style. Your Petitioners have always contended that the objection on the ground of alleged insanitation is a mere fiction, and the Durban Town Council, it would appear, has proved the contention.

The Newcastle Town Council has, however, gone one better than the Durban body. Its Licensing Officer, apparently acting under orders, refused to grant the licences this year, under the Act, to each and every one of the eight Indian storekeepers that had held the licence last year. Such a wholesale refusal struck terror in the hearts of the Indian traders in the Colony. Suspension of the trade of these storekeepers would have not only ruined them and their dependants, but would also have resulted in the collapse of some houses in Durban which support them. The assets of these men were then estimated at over ten thousand pounds, and hands directly dependent on them were over forty. At great expense, therefore, Mr. Laughton, a leading Advocate, was engaged to carry the appeal to the Town Council; and, as a result, six licences out of nine (held by eight storekeepers) were granted. The remaining three, having been refused, the three holders thereof appealed to the Supreme Court which, by a majority, threw out the appeal on the ground that, in virtue of Section 5 of the Act, it had no jurisdiction to entertain it. As the matter was very important, and as the Chief Justice dissented from the other two Judges and favoured the contention of the appellants, the matter was taken to the Privy Council. A cablegram from the appellants' Solicitors in London states that the appeal has been lost. It must in justice be said that the Newcastle Town Council has been gracious enough to allow the three storekeepers, pending the appeal, to continue their trade. Its policy, however, is unmistakable. It would have wiped out the Indian from Newcastle if it could have done so with decency, and without stir, regardless of the consequence to the parties affected. The reasons given by the Licensing Officer for his refusal were the same with reference to all the above licences, viz., "The report framed by the Sanitary Inspector in terms of Sec. 4 of the Rules under Act 18 of 1897, in connection with this application being of an unfavourable nature, and the premises not being fit for the intended trade, as required by Sec. 8 of the Act referred to, the application was refused by me." None of the applicants knew anything about the Sanitary Inspector's or the Licensing Officer's reasons before their licences were refused; nor were they asked to make any improvements or alterations

in their premises. The reasons were furnished by the Licensing Officer only after he was required so to do by the Town Council when the matter came before it in appeal. After the three applicants were refused their licences, and they came to know why the licences were refused, they offered at once to make such alterations in their premises as the Sanitary Inspector may suggest; but the Licensing Officer would not hear of it, and declined to entertain their applications on the ground that the Town Council had already decided to sustain his previous decision. (*Vide* Appendix B.) It may be here remarked that the applicants never admitted that their premises were in an insanitary condition, and had produced medical evidence to prove that the premises were in a satisfactory condition. Your Petitioners attach hereto (*vide* Appendix C) an extract from the Record of Proceedings before the Town Council, which would show more fully the case for the three applicants. The Newcastle Town Council consists of 8 Councillors—a medical practitioner, a solicitor, a carpenter, a canteen keeper, a miner, a bookseller and two storekeepers. The Licensing Officer is also the Town Clerk who would be the Clerk of the Court when the Town Council sits in appeal against the decision of the Licensing Officer.

The Dundee Local Board, however, promises to outdo both the Durban and the Newcastle Town Councils. In November last, a trade licence was granted by the Licensing Officer to a Chinaman, and a majority of the ratepayers appealed against the decision of that officer. The Local Board, by a majority of 3 to 2, cancelled the licence solely on the ground that the applicant belonged to the Chinese nationality. The applicant's solicitor, in his notice to the Local Board of Appeal against its decision, recited the following grounds of appeal:

(1) That your Board, by reason of certain of the members on it being merchants and storekeepers and holders of retail licences, was unable and could not possibly deal with the subject matter of appeal without prejudice to Hoi-Lee & Co.'s interests.

(2) That the constitution of your Board was such that several of the members of it were personally and directly interested pecuniarily in the refusal of the retail licence to Hoi-Lee & Co., and should not therefore have sat on your Board and voted on the question.

(3) That certain members of your Board who sat showed personal animus and bias against the firm of Hoi-Lee & Co., on account of the members being natives of China, and one in particular stated: "I would not even give a Chinaman the chance of a dog."

(4) That no evidence or legal proof was adduced by the appellant ratepayers that Hoi-Lee & Co. were undesirable persons to have in the community.

(5) That no evidence or legal proof was adduced by the appellant ratepayers that the premises that had been licensed by the Licensing Officer were totally unfit and unsuitable for business purposes, pending erection of the premises agreed to be erected by the landlord under his lease with the said Hoi-Lee & Co.

(6) That the decision and resolution of the Board was inequitable and unjust both in Equity and Law.

What happened to the Chinaman who appears, from the record of the case, to be a British subject, is not unlikely to happen in the case of the Indians. The Supreme Court refused to entertain the appeal in the above case in virtue of the decision in the Newcastle case referred to above.

In November last, a meeting was convened by the Chairman of the Dundee Local Board at the request of the ratepayers "to discuss the advisability of allowing Asiatics to trade in the township". There are at present about ten Indian stores in Dundee. The following extract from the proceedings of the meeting would show how the Local Board proposes to deal with them next year:

Mr. C. G. Wilson (the Chairman of the Local Board) made a very good impression with his remarks. He defended the action of the Board in all matters, and said it was their endeavour, if possible, to rid the town of the Asiatic curse. They were not only a curse here, but to the whole Colony of Natal. He assured the meeting that their actions in the case of the Chinaman were disinterested and unbiased, and they honestly did what they thought to be their duty to the towns, by cancelling the licence. He hoped they (the ratepayers) would show, by strongly expressing their opinions, that they meant to abolish this curse.

Mr. W. L. Oldacre (a member of the Board) said that he and other members of the Board did what they thought to be right; and assured the meeting that there was no bias attached to its proceedings, and they could depend upon him doing his duty as a member of the Board.

Mr. S. Jones then proposed that the Local Board do all in its power to prevent the granting of further licences to undesirables; that *the Licensing Officer also be instructed to this effect*; and that *steps be taken to cancel as many of these licences as possible*. This proposition was unanimously carried, amidst cheers.

Mr. C. G. Wilson wished to thank the meeting for the decision arrived at, as it had greatly strengthened the hands of the Board, who would act upon the decision of the meeting.

Several other gentlemen having spoken, Mr. Hastings proposed that the Town Clerk and Licensing Officer should be two separate persons.

Mr. Wilson said he was of opinion that it would be far better to have the officers remain as at present; then if the Licensing Officer did not act as the Board did in matters such as these, they had their remedy. (*The Natal Witness*, November 26, 1898)

The undesirables referred to in the preceding extract are, of course, the British Indian traders of Dundee. Here there is a frank avowal of the policy the Dundee Local Board intend to pursue. The Licensing Officer has received, and is still further to receive, from the appellate body created by the Act, instructions as to what he is to do; and thus, the aggrieved parties are to be deprived of the right of placing their case before two tribunals contemplated by the Act, viz., the Licensing Officer and the Town Council or the Local Board, as the case may be. These are only some of the instances that have come under your Petitioners' notice which conclusively indicate the policy the various Town Councils and Local Boards would pursue if unchecked.

Your Petitioners are free to acknowledge that the other Town Councils and Local Boards do not appear as yet to have shown any desire to act in an oppressive manner; though there, too, it is practically impossible to obtain new licences even for old established Indians. The power, your Petitioners were almost going to say, the despotic power, given to them under the Act is there, and there is no guarantee that they will not copy the example set them by Durban, Newcastle and Dundee.

In order to ascertain the views of the solicitors who have had anything to do with the working of the Act, a letter[1] was addressed to them asking them to be good enough to give their experience of its working. Three out of the four gentlemen to whom the communication was sent, have returned their replies which are hereto attached. (*Vide* App. D, E, F.) Mr. Laughton, who dealt with the Newcastle and the Chinaman's cases, as also with that of Somnath Maharaj referred to above, remarks:

I regard the Dealers' Licenses Act a very discreditable and dishonest piece of legislation. Dishonest and discreditable, because no secret was made that it was intended to apply to Indians and to them alone. Indeed, it was passed at a session of Parliament called about a month earlier than otherwise it would have been, as a concession to an

[1] This is not available.

anti-Indian mob and yet, in order to gain the approval of the Secretary of State, the Act is made to apply to all.

The effect of the Act is to place in the hands of the declared enemies of Indian traders the power to grant or refuse trade licences; the consequence is as might be expected, and we all feel humiliated at what we see, whether we admit it or not.

Mr. O'Hea, another gentleman, who is also the Honorary Secretary of the Colonial Patriotic Union, whose avowed object is to prevent the further influx of Asiatics, says:

I do not think that this Law is being administered in accordance with the spirit of the Legislature. The then Prime Minister who introduced the Bill said its main object was to affect those persons dealt with under the Immigration Bill. Ships would not bring those persons if they knew they would not be landed; and the people would not come here to trade if they could not get licences.

I had a case in point not long ago. A man of Chinese nationality, who had been thirteen years in the Colony, was refused a licence for no other reason, I am convinced, than because he was a Chinaman. The statistics of Durban show that the town has more than doubled in extent and population within the past ten years; and yet, this man who had linked his fortunes with the Colony, a man of unblemished character—who arrived when there were only about 40 human beings for every 100 there are today—this man's character and long residence were ignored, and a means of earning an honest living in Durban was denied him. In like manner, I have seen that in Newcastle an Indian, who had been 15 years resident in Natal, was refused a licence which would have been granted to a European if he had been the applicant. This is not as it ought to be.

Messrs Renaud & Robinson say, among other things:

But to our mind the principal defect in the present Act is that, no appeal being allowed from the Town Council's decision, injustice has been done and is likely to be done to applicants for licences.

While this was in print, Mr. C. A. de R. Labistour's opinion was received, which is annexed hereto. (*Vide* Appendix G.)

"Consistency", a correspondent of *The Times of Natal* (believed to be the Government organ), who, it would appear from his letter (*vide* Appendix H), is a Colonist of over 20 years' standing, and a merchant, says:

By all means make them (Indian traders) adhere to the strictest sanitary regulations, keep their books in English, and otherwise do as English traders do: but when they have met these demands, give them

justice. No honest thinking man can say that the new Bill gives these people justice, or the community justice, because it puts into the hands of interested parties the power to push out competition which is beneficial to the multitude and enables these interested parties to fill their own pockets. . . . I saw in one of your contemporaries, the other day, that the Dundee Local Board had resolved not to renew any Arab licences for the coming year, and had instructed the Licensing Officer accordingly. These men are the English merchants, and wish all the business to themselves, when the public will have to pay them any prices they ask. Surely it is time the Government gave these men the limit.

The Times of Natal, dated the 21st December, 1898, after dealing with the above letter, and justifying its opposition to the Indian traders on the ground of self-preservation, observes:

At the same time, we are far from desiring that these Indian traders should be treated harshly. . . . We do not believe, however, that any considerable number of Colonists wish to see the powers given under these laws used oppressively. If it be true, as reported, that the Dundee Local Board has resolved not to renew any Indian licences for the coming year, we would strongly urge upon the Board, in the interests of its own ratepayers and in the interests of the Colony generally, to rescind that resolution forthwith. The Board has power to refuse the renewal of these licences, but it was never contemplated for a moment that this power would be exercised in this wholesale manner. Mr. Escombe was responsible for the Traders' Licenses Act, and he never dreamt that the power it confers would be used in this way. The Act was passed, not so much with a view to enabling the licensing bodies to deal with the Indians already trading in the Colony, as to prevent others coming here to trade. In moving the second reading of the measure, Mr. Escombe explained that it was introduced at the request of the Town Councils, and said: "There is no hesitation on their part in saying what their object is, and there is no objection on the part of the Government in admitting their proposal, to prevent certain persons coming to this country to compete with Europeans on unequal terms, and getting the licences to trade which are required by the Europeans." Again, "No people will come here to trade if they think there is a doubt as to their having a licence. So that, if the law is in the book, it will answer without much application." It will thus be seen that while the Act gives extensive powers, the Minister responsible for it relied on the moral effect its existence would have, rather than upon the application of its provisions, to effect his purpose. This purpose was not to deprive traders already here of their licences, but to prevent others coming here and getting licences. It was not expected that the Boards and Councils, which were appointed courts of

appeal under this Act, would misuse their powers as the Dundee Board threatens to do. Said Mr. Escombe, in replying to the debate on the second reading: "I have got no doubt that this Bill in principle can only be warranted by the serious danger threatening this land. But I have got that belief in the fairness of the municipal authorities and of the Colony that I believe this Bill will be administered with what I call justice and moderation." The Dundee Board will do well to note those words, for so sure as it exercises its powers in the wholesale manner now proposed, so sure will it defeat the end we all have in view. By all means let the undesirables be weeded out, but the process must be very gradual, so as to accomplish what is desired without inflicting any great injustice. It may be said: "There is the Act, and we will enforce it." Yes, there is the Act, but how long will the Act be there if injustice is inflicted under it? The fact that a very large number of voters draw on India for their labour supply must not be lost sight of, for in it the Indian Government have the means of screwing a good deal more out of this Colony than many realize. Suppose the Indian Government were to say, "You cannot have more labour until you repeal that Act under which our people have been grossly ill-treated", what would be the result? We do not care to speculate on this. If Local Boards, Town Councils and Licensing Boards are wise, they will never do anything to put the employers of Indian labour to such a trial.

Your Petitioners offer no apology for having given the long extract, as it is very important, not only because of its source, but also because of the manner in which the subject has been dealt with. The good intentions of the Legislature are not in the Act itself though they might have been reproduced therein, which would have spared the Indian traders the anxiety as to their bread being suddenly snatched from their mouths. The Government organ has betrayed itself into an admission which is entirely inconsistent with its own admonition to the Dundee Local Board, and seems to be an insidious hint to the Board as to how they can achieve their end without attracting notice; for it too would have the undesirables "weeded out" by a "very gradual process". How can this attitude be compatible with the desire not to touch those that are already established? What the Dundee Board may fail to accomplish owing, to use the expression of the then Prime Minister, to their "brutal frankness", *The Times* would have them accomplish indirectly and diplomatically so as to keep the real aim in the background.

A correspondent of *The Natal Mercury* (December 14, 1898) signing himself "A Colonist of close upon 20 years", thus writes:

SIR,

I notice in your paper of today a letter from Newcastle, stating that the mighty Corporation of that town had won their case brought against them by one Vavda, to whom they had refused a licence, and giving the information that the result will be welcome throughout the Colony. Vavda is an Indian who has been trading in Newcastle for the past 15 years, during which time he has been a good citizen; but, unfortunately for him, he has also been a successful merchant, a fact which evidently the members of the Licensing Board in Newcastle, who are merchants themselves, don't like. That the Corporation can be congratulated upon such a miserable misconstruction of their powers, or that the decision of the Privy Council will be welcomed by fair-minded people in Natal, is questionable.

I am, etc.,

A COLONIST OF CLOSE UPON 20 YEARS

The Transvaal Government has been trying to remove the Indians to Locations; but even they are willing to give some time, however inadequate, to the Indians in order to enable them to remove their businesses without in their view incurring loss. Her Majesty's Government are naturally not satisfied with such a meagre concession, and it is within your Petitioners' knowledge that an attempt is being made to induce that Government not to interfere with those that are already established. The Government of the Orange Free State, though quite independent, gave a year's notice to the Indian traders to close their businesses. The Colony of Natal, which boasts of its being the most British Colony in South Africa, has acquired the power to deprive the Indian traders abruptly of the right of trading, and has attempted and threatens to exercise that power. *The Natal Advertiser* (dated December 13, 1898) thus notices the anomaly:

> ... We can only say that we deeply regret the decision (of the Privy Council) ... It is an Act which might have been expected from the Transvaal Raad That body, in the Aliens Expulsion Law, has ousted the jurisdiction of the High Court, and our readers will remember the outcry raised about it in the Colonies. But it is not one whit worse than this Act; indeed, if there is any difference, ours is the worse, because it is likely to be much more frequently enforced. It is absurd to say that the Act would not have been effective if right of appeal to the Supreme Court had been allowed; surely, that body could be trusted to exercise common sense.... Far better, indeed, that in one or two cases the latter (the desire of the municipalities) should have been overruled than that the principle should be laid down in a self-governing community under representative institutions that, in any case affecting the rights of the

citizen, recourse to the highest judicial body in the State should be deliberately barred.

Your Petitioners very much fear that the Government of the Colony are not likely to help your Petitioners. The Rules (*vide* Appendix I) that have been passed under the Act, regulating the mode of obtaining licences and appeals from the Licensing Officer, have, in your Petitioners' humble opinion, been framed in a manner to strengthen the Licensing Officer and the appellate body in the arbitrary powers given to them. It is but fair to state here that they were passed in September 1897; your Petitioners, however, had hoped that the Colony having been invested with powers of exceptional severity, the Indian community could be allowed to have some rest, and that, in isolated cases of hardship, they would be able to obtain redress without the necessity of approaching Her Majesty's Government. That belief was strengthened by a speech made by the late Premier after his return from London, expressing the hope that those powers would be judiciously and moderately exercised. Unfortunately, this had not been the case. It is for that reason that your Petitioners raise objections to the Rules over a year after their publication. Be that, however, as it may, your Petitioners submit that the absence of any provision made in the Rules as to requiring the Licensing Officer to furnish reasons for his decision to the applicant, has worked much mischief. So it struck Mr. Collins also (Appendix A).

What your Petitioners fear most is the process of gradual weeding out referred to above. Those on the spot understand the process only too well. Many small storekeepers have been weeded out this year: some because they, having hardly a gross out-turn of ten pounds per month, buying cash and selling cash, could not afford to keep any books at all, as is not unoften done even among small European storekeepers; and some because they could not afford to comply with the requirements of the Sanitary Inspector having connection, not with the cleanliness of the premises, but with their structural arrangements. If the Licensing authorities were, year by year, to wipe out some small Indian storekeepers, it would not require many years to bring down the larger houses without their having to refuse their licences. Messrs Mahomed Cassim Camroodeen & Co., the first signatories hereto, for instance, have outstanding debts among nearly 400 Indian storekeepers and hawkers in Natal, to the extent of over £25,000; and own landed property in Durban tenanted by Indian storekeepers. If one-eighth of these storekeepers were to be refused their licences, the firm's position would be damaged. They have

already felt the pinch. They had to suffer owing to the refusal of the licence to Mr. Dada Osman (above referred to). Mr. Amod Jeewa owns properties in Estcourt, Dundee, Newcastle and Durban, which are almost entirely tenanted by Indian storekeepers, and most of which can be used for no other purpose. The shutting up of only a few of the businesses would mean practical ruin. These are but typical instances which can be multiplied.

Your Petitioners have been taught to believe from their infancy that in all Her Majesty's dominions there is absolute security of life and property. So far as the latter is concerned, that belief has received a rude shaking in this Colony; for, to be deprived of the means of making the only use available of one's property is, your Petitioners humbly submit, little less than total deprivation thereof.

It has been suggested that in self-governing Colonies Her Majesty's power of interference is very limited. However limited it may be, your Petitioners venture to think that it is not less for the self-governing Colonies than for the Transvaal. Unfortunately, your Petitioners have to face an Act which has already been approved of by Her Majesty. But your Petitioners apprehend that, when Her Majesty was advised not to exercise the power of disallowing the Act, it was little thought that the powers given thereby would be so abused as, it is submitted, they have been.

Your Petitioners submit, with the greatest deference, that sufficient has been shown above to justify a strong remonstrance and advice to the Government of the Colony to so amend the Act as to render a recurrence of the injustice described above impossible, and thus to bring the Act in harmony with the noble British traditions.

But if this be not possible, your Petitioners humbly venture to submit that the Colony should no longer be allowed to enjoy the privilege of using Indian labour which is acknowledged to be indispensable for its advancement. *The Times of Natal*, in the extract quoted above, anticipates a withdrawal of the supply of the indentured labour from India in the event of injustice being done by Licensing authorities. *The Times* (London), the East India Association, Sir Lepel Griffin[1]; Dr. Gust, the prominent bodies in India, and the entire Anglo-Indian and Indian

[1] 1838-1908; Indian Civil Servant and administrator; Chairman of the East India Association from 1891 till his death

Press have already suggested that remedy; but so far Her Majesty's Government do not appear to have been pleased to accept it. Your Petitioners humbly submit that it is impossible to make out a stronger case than herein for such withdrawal, failing redress of acknowledged grievances.

How the next year will open for the Indian traders your Petitioners do not know. Every storekeeper is, however, in a state of feverish anxiety. The suspense is dreadful. The larger houses, fearing that their customers (small storekeepers) might be refused their licences, and having the only hope that they had of securing some check on the Licensing authorities taken away from them by Their Lordships of the Privy Council, have become despondent and hesitate to clear their goods.

Your Petitioners, therefore, respectfully venture to hope that your Petitioners' prayer will receive the early attention of Her Majesty's Government.

And for this act of justice and mercy, your Petitioners, as in duty bound, shall ever pray, etc., etc., etc.

MOHAMMED CASSIM CAMROODEEN & CO.,
AND OTHERS

APPENDIX A[1]

APPENDIX B

(*Copy*)

NEWCASTLE,
January 11, 1898

THE TOWN CLERK
NEWCASTLE

DEAR SIR,

I am instructed to forward to you the enclosed Applications for Retail Shop Licenses on behalf of Suleiman Ebrahim, Sajad Meajan, and Abdool Rassool.

These licences were refused by you last month, on the ground, as I understand, that you did not consider the report of the Sanitary Inspector to be sufficiently favourable, and I am now directed to inform you that, with the object of obtaining renewal of the licences, my Clients will use every endeavour to meet the objection by carrying out such alterations as may be recommended by the Sanitary Inspector.

[1] This is not reproduced here. For the text, *vide* pp. 2-4.

In the case of Sajad Meajan, I understand that alterations have been made since the inspection by the Sanitary Inspector in December, and these alterations will, I believe, remove any objection which previously existed. In the other two cases, I desire, if it should meet with your approval, to accompany the Sanitary Inspector on his visit, and to take a note of any objections he may make, with the object of rectifying any deficiency.

I trust that my Clients will be able to satisfy you, as the refusal of licences is of very serious consequence to them.

I am,
Sir,
Your obedient servant,
(Sd.) W. A. VANDERPLANK,
ATTORNEY FOR SULEIMAN EBRAHIM,
SAJAD MEAJAN, & ABDOOL RASSOOL

A reply similar to the following was returned in each case.

The application of S. E. Vavda under date 15th December, 1897, for a Retail Shop licence in name of Suleiman Ebrahim for premises at Erf 37, Murchison St. . . . having been refused by me, and my decision thereon upheld by the Town Council on Appeal, on the 8th January, 1898, the annexed application is refused.

(Sd.) T. MACKILHCAN
LICENSING OFFICER
BOROUGH OF NEWCASTLE

APPENDIX C

Extract from a certified copy of the minutes of special meeting of the Town Council of the Borough of Newcastle held in the Council Chamber on Saturday, January [8], 1898, to hear the appeals against the decisions of the borough Licensing Officer appointed under Act No. 18 of 1897, with reference to the applications of S. E. Vavda (two licences), Abdool Rassool and Sajad Meajan—licence to Vavda with reference to Erf 37, Murchison Street, and the licences to Abdool Rassool and Sajad Meajan refused both by the Licensing Officer and the Town Council on appeal:

At the outset Mr. Laughton desires that his protest should be recorded against any officer of the council being appointed to fill the position of Licensing Officer under Act 18 of 1897, and addresses the council in support thereof.

APPEALS

Suleiman Essop Vavda, Applications Nos. 20, 21—1898.

Mr. Laughton reads notice to applicant from Licensing Officer dated the 23rd December, 1897, and Sanitary Inspector's report, viz.,

SANITARY REPORT

I inspected the premises at 37 Murchison Street sought to be licensed as a Retail Shop, and like all Arabs' premises are badly ventilated, otherwise the building is in fairly good condition; found them busily fitting up bedroom but communication at present between store and bedroom direct. Great efforts have been made to make the building look clean and fit in view of anticipated inspection, one good resulting from the provisions of the Licensing Law.

(Signed) JAS. MACDONALD
SANITARY INSPECTOR

and, Licensing Officer's decision, and reasons on application for licence for premises at Erf 37, Murchison Street, and contended that the Sanitary Inspector's report was satisfactory and that, if not, the licence might be issued conditionally.

Mr. Laughton further read notice to applicant dated 23rd December, 1897, Sanitary Inspector's Report, viz.,

SANITARY REPORT

SULEIMAN ESSOP VAVDA

The premises sought to be licensed in this case are situated at the corner of Scott and Allan Street, a conspicuous part of the town. The bedroom for assistants is the small store adjoining. The Applicant himself is living behind the large store. The store premises are commodious but like others badly ventilated. The yard premises are small and cramped where it is crowded by kitchen, bathroom and closet. Three of the assistants now sleep on the premises recently acquired by Applicant at 36 Scott Street. Otherwise, the bedroom accommodation attached to the store would be insufficient and unsanitary.

(Signed) JAS. MACDONALD
SANITARY INSPECTOR

December 15, 1897

and Licensing Officer's reasons on the application for licence for premises at Erf 33, Scott Street, and called Suleiman Ebrahim Vavda, who, duly sworn, stated:

I am the applicant for licenses for premises at 37 Murchison Street, and 33 Scott Street, where I carry on business. I held three licences last year, but only apply for two this year. I have been in Natal about 17 years and in Newcastle 10 years. I have held a licence for 37 Murchison Street for seven years and for 33 Scott Street for about five years. The value of the stock in the two stores is about £4,500; the value of the outstanding liabilities due to the firm is about £700. I hold 37 Murchison Street on monthly tenancy and the lease of 33 Scott Street expires in six months' time.

[Questioned] By the Mayor: I and Mahomed Essop Tomor are in partnership and have separately conducted the business in the same name.

APPEAL

Abdool Rassool. Application No. 9—1898.

Mr. Laughton read letter to applicant from Licensing Officer dated 23rd December, 1897, Licensing Officer's decision and reasons and sanitary report, viz.,

SANITARY REPORT

> I examined the premises referred to in application which is a small store in decayed condition. No direct communication with bedroom, occupied solely by Applicant—and is kept fairly clean. Applicant is in the fruit trade which would probably form part of his business at this store—a feature that might have a different bearing on the sanitary condition of the premises under consideration, a month hence. Formerly the Applicant occupied a small store next to Mahomed Saffee's as a fruit shop.
>
> (Signed) JAS. MACDONALD
> SANITARY INSPECTOR

and quoting section 8 of Act No. 18 of 1897, contended that the sanitary report did not show that the premises were unfit for the intended trade. He called Abdool Rassool who, being duly sworn, stated:

I am the applicant for the licence. I have been in the Colony about ten years and in Newcastle about 8 years. I have held a licence for three years, two years at the fruit shop, 42 Scott Street, and one year at the present store. Neither the inspecting officer nor any other officer of the borough has pointed out any objection to the premises to me. I do not know why my licence was refused. The Licensing Officer has never been inside my premises. I have made no alterations since the inspecting officer visited my premises. The value of my stock is about £400.

[Questioned] by Councillor Hastie: I have occupied the present premises for about one year.

APPEAL

Sajad Meajan. Application No. 10—1898.

Mr. Laughton read Sanitary Inspector's report, viz.,

SANITARY REPORT

> I examined the premises sought to be licensed as a Retail Shop at 36 Murchison Street. The premises are in a most unsanitary and filthy condition and have direct communication with bedroom occupied by himself, wife, daughter and assistant.
>
> (Signed) JAS. MACDONALD
> SANITARY INSPECTOR

and submits Licensing Officer's decision and reasons and letter from the Licensing Officer to the applicant dated 23rd December, 1897. He further called Sajad Meajan who, being duly sworn, stated:

I am the applicant for the licence. I have been in Natal seven years and in Newcastle seven years. I have held a Corporation licence for five years for the same premises.

Since making the application for my licence the Sanitary Inspector or other officer of the Corporation has not pointed out to me why a licence was refused to me. I do not know why the licence was refused. Since making my application the Licensing Officer has not inspected my premises. The value of my stock is about £600. I, my wife, my daughter and assistant do not occupy one bedroom as stated in the Sanitary Inspector's report, nor did they at the date of the report. The assistant occupies a separate room. I have made alterations in the premises since the date of the report. The closet has been removed to the far corner of my plot of ground. I was not aware that the premises were in a filthy condition at the date of the report and was not informed so at the time by the inspector.

[Questioned] by Councillor Kemp: I made alterations myself without being told to do so.

Charles O'Grady Gubbins on further oath states: I inspected Sajad Meajan's premises today and found them in a satisfactory condition. There are two bedrooms very clean, and boarded, lined and ceiled.

From a sanitary point of view I do not think the licence should be refused.

[Questioned] by Councillor Hastie: I do not know how many occupy the bedrooms. The measurements of the rooms are 17'×12' and the second 11'×12' and 10' high.

NOTE: The reasons of the Licensing Officer appear in the body of the memorial. Sajad Meajan has since, the creditors having stopped custom, become insolvent.

APPENDIX D

DURBAN,
December 24, 1898

M. K. GANDHI, ESQ.

DEAR SIR,

I have your letter[1] of yesterday. I regard the "Dealers' Licenses Act" as a very discreditable and dishonest piece of legislation. Dishonest and discreditable because no secret was made that it was intended to apply to Indians and to them alone; indeed it was passed at a session of Parliament called

[1] This is not available.

III-4

about a month earlier than otherwise it would have been as a concession to an anti-Indian mob, and yet, in order to gain the approval of the Secretary of State, the Act is made to apply to all.

The effect of the Act is to place in the hands of the declared enemies of Indian traders the power to grant or refuse trade licences; the consequence is as might be expected and we all feel humiliated at what we see, whether we admit it or not.

Yours very truly,
F. A. LAUGHTON

APPENDIX E

39 GARDINER STREET,
DURBAN,
December 23, 1898

M. K. GANDHI, ESQ.
14 MERCURY LANE
DURBAN

DEAR SIR,

RE: DEALERS' LICENSES ACT

In reply to your letter of this day's date, I do not think that this Law is being administered in accordance with the spirit of the Legislature. The then Prime Minister who introduced the Bill said: "Its main object was to affect those persons dealt with under the Immigration Bill. Ships would not bring those persons if they knew they would not be landed; and the people would not come here to trade if they knew they could not get licences."

I had a case in point not long ago. A man of Chinese nationality who had been thirteen years in the Colony was refused a Licence for no other reason, I am convinced, than because he was a Chinaman. The statistics of Durban show that the town has more than doubled in extent and population within the past ten years; and yet this man who had linked his fortunes with the Colony—a man of unblemished character—who arrived when there were only about 40 human beings for every 100 there are today: this man's character and long residence were ignored, and a means of earning an honest living in Durban denied him. In like manner, I have seen that in Newcastle an Indian, who had been 15 years resident in Natal, was refused a licence which would have been granted to a European if he had been the applicant. This is not as it ought to be.

Yours faithfully,
P. O'HEA

APPENDIX F

3, 4 AND 5 POYNTON'S BUILDINGS,
GARDINER STREET,
DURBAN,
December 31, 1898

M. K. GANDHI, ESQ.
ADVOCATE

DEAR SIR,

In reply to your letter of the 23rd instant *re*. Dealers' Licenses Act.

We prefer to say nothing on the political aspect of the question.

We are of opinion that the Licensing Officer should be appointed from outside the permanent staff of the Town Councils or the Local Boards, as the case may be. There should be an appeal from his decision to the Town Council and from theirs to the Supreme Court.

We think that compensation should be awarded to landlords who by reason of the operation of the Act have lost their tenants.

There are several matters of minor importance which we think might be improved, but to our mind the principal defect in the present Act is that, no appeal being allowed from the Town Council's decision, injustice has been done and is likely to be done to applicants for licences.

Yours faithfully,
RENAUD & ROBINSON

APPENDIX G

23 FIELD ST. BUILDINGS,
DURBAN, NATAL,
January 4, 1899

M. K. GANDHI, ESQ.
DURBAN

DEAR SIR,

Referring to our interview of this date on the subject of the Licensing Act 18/97, I can only state that, from my experience, the same, although not so expressed, is only intended to apply to Indians and Chinese—at any rate, it appears to me to be so.

I have made several applications to the Licensing Officer for new licences which have been rejected without reasons being given therefor, and on appeals to the Town Council I have invariably found that body uphold the Licensing Officer's decision, without previously calling upon him to furnish his reasons for such refusal.

I have not tried to ascertain the number of licences refused to Europeans, but I am inclined to believe they were only refused to those whose character, etc., did not justify them holding one.

Yours faithfully,
C. A. DE R. LABISTOUR

PS.

The most inequitable part of the Act is that which precludes an appeal from the Town Council to the Supreme Court.

C.A.R.L.

APPENDIX H

DURBAN,
December 19

TO
THE EDITOR
The Times of Natal

SIR,

I have to thank you for your attention to my letter in *The Times of Natal* of the 16th instant under the heading "An Important Decision", and for your remarks in reply thereto. You say: "As to the butchers' ring, it is only necessary to point out that through it the cost of living has been very materially increased, and meat, we have been told, put beyond the means of the poorer classes of the community. It is, therefore, a menace to the welfare of the community."

I entirely agree with you. All combinations of this kind are morally wrong, and a menace, because the few benefit while the multitude suffer. Further on you say: "In the other case the Indian traders have also become a menace, in that, by reason of the fact that they can live so much cheaper than Europeans, they are driving the latter out of trade, and out of the Colony." It is one of our axioms that competition is the life of trade, and while admitting that all competition is a menace, I have to submit that the Indi— traders are not a menace in the same way as the butchers' ring.

The Indian storekeepers, by causing strong competition among storekeepers, are reducing the cost of all necessaries of life. In other words, they are benefiting the many at the expense of the few, which is exactly the opposite of the butchers' ring.

I well remember, twenty years ago, when I came to the Colony, we got 20 per cent more profit than we get now—then the few benefited and the many suffered; but competition, and principally Indian competition, has brought prices down all over the country; and now the many benefit while the few suffer, and this is how it should be.

You push these people out, and the multitude will again suffer by having to pay much larger prices for all they consume.

I remember, some sixteen years ago, falling out with an up-country townsman because I declined to join a ring of other storekeepers to charge 5s. a bag profit on flour. In those days such a combination, detrimental to the public, but beneficial to the pockets of the storekeepers, could have been carried out, but such a combination today would be utterly impossible, and if you could get such competition into the butchery business, you would shortly hear less about the price of meat.

You appear to complain that these people can live cheaply. Yes, they can live cheaply—don't drink, give the authorities little trouble, and are, in fact, law-abiding subjects, and if they can sell cheaply by living cheaply, the benefit is surely the public's.

By all means make them adhere to the strictest sanitary regulations, keep their books in English, and otherwise do as English traders do; but when they have met these demands, give them justice. No honest-thinking man can say that the new Bill gives these people justice, or the community justice, because it puts into the hands of interested parties the power to push out a competition, which is beneficial to the multitude, and enables these interested parties to fill their own pockets. We have now sufficient rings—insurance rings and butchers'—and goodness knows where we will stop if the diffusers of knowledge and learning, like the newspapers, are on the wrong side.

I saw in one of your contemporaries the other day that the Dundee Local Board had resolved not to renew any Arab licences for the coming year, and had instructed the Licensing Officer accordingly.

These men are the English merchants, and wish all the business to themselves, when the public will have to pay them any prices they ask.

Surely it is time the Government gave these men the limit.

We have entrusted you with great powers, but if you are to use them unjustly, we will take them away from you.

Yours, etc.,
CONSISTENCY

(This letter is dealt with in our leading article. Ed. *T. of N.*)

APPENDIX I

GOVERNMENT NOTICE No. 517, 1897

September 16, 1897

The following Rules passed by His Excellency the Governor-in-Council, under Section 11 of Act No. 18, 1897, are published for general information.

C. BIRD
PRINCIPAL UNDER SECRETARY,
COLONIAL SECRETARY'S OFFICE, NATAL

Rules under Act 18, 1897, for regulating the mode of obtaining licences, and for regulating appeals from the decisions of Licensing Officers.

1. In these Rules "Licence", unless otherwise specified, means either a wholesale or a retail licence. "New Licence" means a licence in respect of premises for which there is not at the date of application an existing licence similar to that applied for.

"Board or Council" means, as the case may be, the Licensing Board of the Division or the Town Council of a Borough, or the Local Board of a Township.

I. Applications for Licences

2. Every person desiring to obtain a new licence or a renewal of an existing licence shall make application in writing to the Licensing Officer of the division, borough or township. The application shall contain the particulars set forth in Schedule A.

3. An applicant for a new licence shall attach to his application a ground plan, drawn to scale, of the premises sought to be licensed.

4. Upon receipt of an application for a licence, the Licensing Officer shall be at liberty to obtain from the sanitary or other officer of the division, borough or township, a report for his guidance in respect to the sanitary arrangements of the premises proposed to be licensed.

5. The applicant shall, if thereto required, appeal personally and produce to the Licensing Officer his books of account or such other documents or evidence as may be necessary to show to the satisfaction of that officer that he is able to fulfil the conditions laid down by Section 7 of the Act, in regard to keeping his books of account in the English language.

6. The Licensing Officer shall endorse upon each application for a licence his decision as regards the issue or refusal of a licence.

7. The application, with the report of the sanitary or other officer and the remarks and decision of the Licensing Officer, shall form the complete record of proceedings in each case.

8. A licence shall not be issued until the necessary stamps are tendered or the money paid.

II. Appeals

9. The applicant or any person interested may, within two weeks of the decision, give notice, in the form of Schedule B, to the Clerk of the Board or Council of his intention to appeal against the decision of the Licensing Officer.

10. A notice of the day fixed for the hearing of appeals, together with a list of the appeals, in the form of Schedule C, shall be fixed to the door of the Court House or Town Office for at least five days before the appointed date.

11. The Clerk, immediately upon receiving notice of appeal, shall require the Licensing Officer to forward to him the minutes of proceed..gs, and documents, or copies thereof.

12. The proceedings of the Board or Council shall be open to the public.

13. The Clerk shall keep minutes of the proceedings.

14. The record of the application shall be read before the Board or Council.

15. The appellant and any person interested shall be entitled to be heard upon the appeal, by himself or by any person acting under his written authority.

16. The Board or Council may require the Licensing Officer to state in writing the reason of his decision upon any application. If in the opinion of the Board or Council further evidence is necessary, such evidence may be taken by the Board or Council on the same day or on any other day to which the hearing may be adjourned.

SCHEDULE A

To the the Licensing Officer of the division of......................
(or borough or township of...)

I (or we) hereby apply for a licence as follows:

Name of person or firm to be inserted in the licence..................

Nature of the licence (whether wholesale or retail)....................

Period for which licence is sought.................................

Premises sought to be licensed.....................................

(If the application is for a new licence, then add: I attach hereto a ground plan of the premises.)

Signature................
APPLICANT

(Date)..................189—

SCHEDULE B

To the Clerk of the Licensing Board for the Division of.............
(or) to the Clerk to the Local Board of...............................

SIR,

I (or we) hereby give notice that it is my (our) intention to appeal against the decision of the Licensing Officer upon the application of.......... for a (wholesale or retail)........................licence for the premises known as...

(Date)....................189—

SCHEDULE C

Division (borough or township) of..................................

Notice is given that an appeal has been lodged against the decision of the Licensing Officer upon the undermentioned applications for licences.

The appeal will be heard by the Licensing Board (or Town Council or Town Board)
at the................on...........the........day of 189–

Name of person appealing	Name of applicant for licence	Nature of licence applied for	Premises

Clerk to the Licensing Board (or) Town Clerk

From a photostat of a printed copy : S.N. 2894-2903

22. *LETTER TO GOVERNOR OF NATAL*[1]

DURBAN,
January 11, 1899

TO
HIS EXCELLENCY SIR WALTER FRANCIS HELY-HUTCHINSON
KNIGHT COMMANDER OF THE MOST DISTINGUISHED ORDER OF
ST. MICHAEL AND ST. GEORGE, GOVERNOR AND
COMMANDER-IN-CHIEF IN AND OVER THE COLONY OF NATAL,
VICE-ADMIRAL OF THE SAME, AND SUPREME CHIEF OVER THE
NATIVE POPULATION
PIETERMARITZBURG

MAY IT PLEASE YOUR EXCELLENCY,

I have the honour to send for transmission to Her Majesty's Principal Secretary of State for the Colonies a memorial in triplicate signed by Mr. Abdul Kadir of Messrs Mahomed Cassim Camroodeen and Co., and others, with reference to the Dealers' Licenses Act No. 18 of 1897, with such remarks as Your Excellency may be pleased to make thereon.

I have, etc.,
M. K. GANDHI

Colonial Office Records : Memorials and Petitions, 1898-99

[1] This was sent as an enclosure to Despatch No. 6 dated January 14, 1899 from the Governor of Natal to the Secretary of State for the Colonies, London.

23. LETTER TO D. B. SHUKLA

14 MERCURY LANE,
DURBAN, NATAL,
January 17, 1899

MY DEAR SHUKLA[1],

I have not heard from Kalabhai[2] for months. I am very anxious to know how he is getting on, what he is doing and what are his pecuniary prospects. Will you kindly inquire and let me know? I hear from Mehta[3] that you are doing very well there. I have no doubt he told you all about me.

As I could not improve my bad hand I have taken to typing for the last few days.

Yours sincerely,
M. K. GANDHI

D. B. SHUKLA, ESQ.

From a photostat of the original : S.N. 2327

24. A CIRCULAR LETTER

DURBAN,
January 21, 1899

SIR,

The memorial[4] sent herewith tells its own sorrowful tale. The grievance complained of is not sentimental but it is very serious and very real. Unless it is removed promptly, it bids fair to snatch the bread away from hundreds of mouths. The licensing authorities in Natal intend to deprive the respectable Indians of their acquired rights. The matter demands *immediate, earnest* and *continuous* attention of the Press and our public men. Nothing short of prohibition of indentured immigration to Natal will meet the case, unless the Natal Government can be induced to amend the

[1] A barrister of Rajkot

[2] Lakshmidas Gandhi, elder brother of Gandhiji

[3] Dr. Pranjivandas Mehta, a friend of Gandhiji from his London days

[4] *Vide* "Petition to Secretary of State for Colonies", pp. 26-56.

Licensing Law so as to bring it in harmony with the principles of justice as known to the British Constitution.

All the other grievances can wait for academic discussion. This brooks no delay.

Indians own land in the Borough of Durban worth over £100,000 stg. Licences have been refused with respect to some of the best premises, the property of Indians, in spite of excellent report by the Sanitary Inspector.

A merchant wants to dispose of his business. All his profits are in his stock. He cannot find a purchaser as there is no certainty that the purchaser can obtain a licence.

I remain,
Yours obediently,
M K. GANDHI

From a photostat of the office copy : S.N. 2949

25. MEMORIAL TO THE VICEROY

DURBAN,
January 27, 1899

TO
THE RIGHT HONOURABLE GEORGE NATHANIEL
BARON CURZON OF KEDLESTON
VICEROY AND GOVERNOR-GENERAL OF INDIA
CALCUTTA

THE MEMORIAL OF THE UNDERSIGNED, REPRESENTING THE BRITISH INDIANS, RESIDING IN THE COLONY OF NATAL

HUMBLY SHEWETH,

That your Memorialists venture to draw Your Excellency's attention to a copy of the memorial addressed to Her Majesty's Principal Secretary of State for the Colonies with reference to the Dealers' Licenses Act passed in the year 1897 by the Natal Legislature.

Your Excellency will notice therefrom that

(a) the Act complained of constitutes a present, real and tangible grievance, and, in the way it is being worked, is calculated to tell very seriously upon the acquired rights of the Indian traders residing in the Colony of Natal;
(b) that the interests at stake represent thousands of pounds;
(c) that the Natal Legislature has gone, as it is acknowledged by some of the Natal publicists, much further than

even the South African Republic has ventured to go;

(d) that the operation of the Act has turned out to be contrary to the assurance publicly given by the Right Honourable Harry Escombe, who carried the Act through, and was then the Prime Minister of the Colony, viz., that he had full confidence in the Town Councils and the Town Boards not disturbing the then existing trading licences;

(e) that several Town Councils or Local Boards have already seriously interfered with the existing licences, and threatened to do so yet more extensively.

Your Memorialists have, under such circumstances, prayed for either such an amendment of the Act as to bring it in harmony with British principles of justice, or suspension of the supply of indentured labour to the Colony.

Your Memorialists venture to think that the active and effective intervention of the Indian Government is necessary, if the rights of British Indians outside British India are to be rescued from extinction. Agreeably to the resolution of the Dundee Local Board to wipe out as many Asiatics as possible, referred to in the Annexure, its Licensing Officer has, your Memorialists are informed, refused to renew the licences of seven or eight Indian storekeepers out of about sixteen. One of them, who has been refused the licence, is the largest Indian storekeeper in Dundee, having a stock of several thousands of pounds. The Licensing Officer at Newcastle has again refused to issue the three licences—also referred to in the Annexure—that were withheld last year. The applicants are still doing all they can locally to secure their licences. The result is not, therefore, yet final. It, however, sufficiently shows the seriousness of the position. Applications in many other places in the Colony are still under consideration.

Whatever the ultimate outcome this year, the possibility of mischief under the Act is, in your Memorialists' humble opinion, enormous, and your Memorialists earnestly hope and humbly pray that the prayer contained in the Annexure will receive Your Excellency's sympathetic and early consideration.

And for this act of justice and mercy your Memorialists, as in duty bound, shall ever pray, etc., etc.

(Sd.) MAHOMED CASSIM CAMROODEEN & CO.
AND OTHERS

From a photostat of a printed copy : S.N. 2955

26. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
February 20, 1899

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

Messrs Amod Suliman, Ismail Mahomed Khota and Issa Hajee Soomar intend to visit the Transvaal. The first two hold return tickets, having come from the Transvaal on business. The last one has a large business in Standerton and he intends to go to that place to inspect his business. The first two are connected with a business in Heidelberg.

I shall be obliged if you will be good enough to secure for these gentlemen permits enabling them to go to the Transvaal.

I have the honour to remain,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 1584/99

27. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
February 28, 1899

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I have the honour to acknowledge your letters of the 25th and 27th instant with reference to the permits for certain three Indians enabling them to visit the Transvaal.

I beg also to acknowledge your letter of the 25th instant, with reference to the permits for Indian gentlemen wishing to pay a visit to the Transvaal during the pendency of the proclamation of the Transvaal Government regarding the plague regulations, for which I tender my humble thanks to the Government.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives: C.S.O. 1584/99

28. *TELEGRAM TO COLONIAL SECRETARY, NATAL*

February 28, 1899

HONOURABLE COLONIAL SECRETARY
PIETERMARITZBURG

SEVEN INDIANS BELONGING TO FIRM C LUCHERAM DURBAN AND CAPETOWN LEFT INDIA FOURTEENTH JANUARY. THEY ARE NOW AT DELAGOA BAY. FIVE OF THEM ARE MEANT FOR CAPETOWN AND TWO FOR DURBAN. ABLE TO UNDERGO TEST UNDER IMMIGRATION ACT. STEAMSHIP COMPANIES REFUSE TO TAKE THEM AS PASSENGERS FOR FEAR OF QUARANTINE. WILL GOVERNMENT BE PLEASED TO ASSURE COMPANIES THAT THEY NEED NOT FEAR QUARANTINE UNLESS DISEASE CROPS UP ON BOARD. FIVE WILL GO TO CAPETOWN AS SOON AS THEY CAN SECURE PASSAGE AND ALL SEVEN WILL SUBMIT TO ANY INLAND QUARANTINE GOVERNMENT MAY THINK FIT TO IMPOSE.

GANDHI

Pietermaritzburg Archives : C.S.O. 1584/99

29. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
March 1, 1899

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I have the honour to acknowledge your telegrams of yesterday and today with reference to my application for certain seven Indians to be allowed to come from Delagoa Bay to the Colony.

In accordance with your instructions, I have communicated with the Health Officer. In reply to your telegram of today, I beg to state that the men in question belong to Hyderabad, Sind, which place they left on the 4th January. They left Bombay on or about the 14th January by the s. s. *Safari* which, after calling at Lamu and Mombasa, went to Zanzibar. At Zanzibar they trans-shipped into the s. s. *General* on or about the 9th ultimo. They have now landed at Delagoa Bay. Two of them would remain in Natal and are not prohibited immigrants within the meaning of the Act. The other five want to come to the Colony as visitors. They would submit to any quarantine the Government may think fit to impose on land. The Companies would not issue a passage without an assurance from the Government that their ships would not, on account of the mere presence of Indians on board, be placed under quarantine.

Under the circumstances, I trust the Government would be pleased to make such orders as would enable the men to come to the Colony.

The usual deposits would be made for the five persons.

I have the honour to be,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 1772/99

30. LETTER TO TOWN COUNCIL, PIETERMARITZBURG

DURBAN,
[Before *March 8, 1899*]

With reference to the sanitary precautions that are being taken to prevent the entry of bubonic plague into this Colony, may I suggest that a pamphlet giving detailed instructions as to sanitary rules, lime-washing, disinfecting, etc., might be of great use, and a useful supplement to the Corporation advertisement that appeared some time ago? If the suggestion is accepted; I shall be pleased to have the pamphlet translated in the Indian languages spoken in the Colony, and distributed free of charge, if necessary, the Corporation paying for the printing and postage.

The Natal Mercury, 8-3-1899

31. LETTER TO "THE TIMES OF INDIA"

14 MERCURY LANE,
DURBAN,
March 11, 1899

TO
THE EDITOR
"THE TIMES OF INDIA"
[BOMBAY]

SIR,

I venture to enclose herewith a copy of a letter[1] received by the Indian community in Natal from the Indian traders in Umtali, Rhodesia. The letter speaks for itself. The authorities seem to have rendered assistance to the Indians, but, in my humble opinion, nothing less than an emphatic declaration from the Colonial Office to the effect that the white settlers in British South Africa cannot with impunity interfere with the liberty of the British Indian settlers, in addition to adequate punishment to the wrongdoers, will meet the case. It will be noticed that

[1] *Vide* the enclosure.

Justices of the Peace and other prominent Europeans took part in the violence. The omission on the part of Mr. Chamberlain to take any notice of the unlawful proceedings of the Durban mob in 1897[1] has, I am afraid, led the white settlers to think that they can do anything they like with the Indians. In the Durban case there was no necessity to punish the mob. But we here feel that a despatch from Mr. Chamberlain strongly disapproving of the whole thing would have produced a salutary effect.

Yours faithfully,
M. K. GANDHI

(ENCLOSURE)

UMTALI, RHODESIA,
January 22, [1899]

GENTLEMEN,

We beg to call your attention to the following circumstances.

We have been trading both at Beira and Macequece, and last March we applied for a licence to trade at Umtali in Rhodesia, which was granted in April. We then built a store, but found that the European traders were very indignant, and they held a meeting protesting against the issue of licences to British Indian subjects, as they considered them undesirable, but they were not supported by the High Commissioner.

We traded peacefully up to the 7th of last December, when a countryman of ours (a merchant of Beira) also applied for a trading licence, which he got. This again excited the traders of Umtali, and they laid the matter before the Chamber of Commerce, requesting that body to take the subject up and oppose the granting of licences to Asiatics. Their meetings were reported in the local papers, and had a serious effect upon the minds of the public. The Government, however, took little or no notice of the agitation. Later the European merchants of the town, headed by Justices of the Peace and officers of the local volunteer force, in all a mob of about one hundred and fifty persons, attacked and broke into our store by violence about 9 p.m. on the 4th of January, 1899. Seeing how violent the attitude of the mob was and how unlawful their action was, we were very frightened, but, fortunately before our persons or goods were removed over the Portuguese border, Inspector Birch, with some constables, came on the scene and informed the raiders

[1] *Vide* Vol. II, p. 175. Questioned by Sir William Wedderburn in Parliament on February 5, 1897, about the assault on Gandhiji on landing at Durban on January 13, the Secretary of State for the Colonies said that "the landing took place without opposition, except in the case of one person, who was assaulted but not seriously hurt".

that their action was grossly wrong and illegal, and that the ringleaders would be prosecuted.

The police only being ten in number, the raiders practically defied them. The Inspector fearing violence, which certainly would have been accompanied with loss of property and possibly with loss of life, suggested that we should be allowed time to make arrangements about leaving. After a good deal of discussion, this was agreed to. Immediately the crowd had dispersed, the Inspector informed us that we were not even to think of going, but that he had merely suggested this allowance of time in order to summon assistance. All the available mounted police were then called in from old Umtali and guard placed over our store. The same evening about midnight fifteen Englishmen attacked the store of Allarakhia Hussein in this town. They broke the doors open, threw the goods about, assaulted the shop assistants and the policemen. The assistants, three in number, ran away, deserting the store, and leaving the goods to the mercy of thieves. Inspector Birch, acting on behalf of the Government, has rendered us all the protection in his power.

On the morning of the 5th January, the members of the Chamber of Commerce came over to our store, and reminded us that the time for packing up and going had already expired. We replied that matters were now altered. The promise to go was extracted from us by violence and not binding; further that there were sufficient police in the town to protect us from the mob. The members of the Chamber of Commerce then left in a dissatisfied humour. The ringleaders of this raiding had been bound over to keep the peace towards us for three months in sureties of one and two hundred pounds.

Two of them had been committed to the High Court for trial. We have resumed business as usual, but the Rhodesian merchants are now fighting the question of allowing Indian traders in Rhodesia.

Their first step will be to bring the matter before the new Legislative Council of Rhodesia praying them to grant power to local bodies to refuse licences to "undesirables" (which is the term they apply to us). They have been guided in this line of action by the decision recently upheld by the Privy Council regarding the refusal of the Licensing Board of Newcastle, Natal, to grant a licence to an Indian. We understand your Congress have taken this in hand.

In conclusion, we beg to inform you that, as the Europeans in South Africa in combination are fighting hard for our expulsion from this territory, we also desire to combine and fight for our rights as British subjects. We respectfully request you to give the matter your earnest consideration and take up our cause, and, in fact, that of the British Indian subjects in general.

As we are allowed to trade freely in some parts of South Africa both under the Portuguese, French, German, and Dutch Governments, we cannot understand why we should be opposed in British territory, seeing that we are by right under the protection of the British flag.

It appears also to us, the Indian policy of Great Britain is directly opposed to the persecution of British Indian subjects.

We have communicated with our English agents about this matter, and also with Lord Curzon, Viceroy of India. We are determined to have the matter brought before the British Parliament, and we would pray for your assistance in fighting out this great question upon constitutional lines.

p.p. NATHOO VALLEY & CO.
B. R. NAIK
ALLARAKHIA HUSSEIN

The Times of India, 15-4-1899

32. *THE PLAGUE PANIC IN SOUTH AFRICA*[1]

DURBAN,
March 20, [*1899*]

The cup of woe of the Indians in South Africa evidently does not appear to have as yet become full; and the bubonic plague promises to fill that cup well up to the brim. A rumour, now proved to be false, that there was a plague case in Lourenco Marques, created quite a sensation in South Africa, and the various Governments of this continent began to adopt stringent measures applicable chiefly to the Indians. While this was going on, it was rumoured that an Indian who, after having been in Lourenco Marques for some time, had gone to a place called Middelburg in the Transvaal, had died of the bubonic plague. It was at once assumed that no period could be definitely assigned for incubation, and entire prohibition of Indian immigration was suggested. The Transvaal Government issued a proclamation prohibiting the entry of Indians into their country from even the neighbouring States, no matter whether the Indian desiring an entry was a very old resident of one of these States or whether he was a new arrival from India, unless he was armed with a permit from the State Secretary—a permit, it may be said, not easily obtainable by any and every Indian. Internal travelling, too, by the Indians was practically suspended. At the time of writing this, a telegram appears in the newspapers, saying that the proclamation above

[1] This is the first of a series of special articles on the treatment of Indians in South Africa contributed by Gandhiji to *The Times of India*. The other articles are dated May 17, July 12, October 27, November 18, and the last one was written on March 14, 1900. These have been placed in their chronological order.

referred to has been modified to the extent that the Indians would be allowed to enter the territory without a permit on their satisfying the officer at the border that they are not recent arrivals from Mauritius, Madagascar, or any of the infected districts of India.

The medical gentleman who conducted the *post mortem* examination in the case above referred to had reported that the case was not one of the bubonic plague. Mischief, however, has been done and there is a hysterical scare throughout South Africa. In Lourenco Marques, a most malarial district noted for insanitation and without any sanitary service, the regulations regarding the plague, it would appear from the meagre news telegraphed from that place, are not only most stringent and unreasonable but oppressive and unbusinesslike. In the Transvaal, business amongst the Indians is suffering seriously. Several unfortunate hawkers came to Natal to buy their stuff; they are now most of them shut out. They have left their goods and their book debts behind them. As may be imagined, they cannot afford to obtain the permit; nor could they, without much difficulty, pass through the examination by the Transvaal officials. It is said—that is to say, the hawkers themselves complain—that in the Transvaal itself they are not allowed to hawk their goods about. This reacts upon the Indian firms that are dependent on these hawkers.

The Cape Government do not appear to have lost their heads; but an agitation has been going on, calling upon the Government to prohibit any Indian from landing at any of the Cape ports. A few days ago, a meeting was held in Port Elizabeth, when speeches of a more or less violent character were made, some of the speakers going so far as to say, if the Government would not conform to the wishes of the people of Port Elizabeth, they would have to take the law in their own hands. The Natal Government are evidently anxious not to be carried away by the scare; but, it is feared, that they will not long be able to retain their self-possession.

There are two conflicting interests at work in Natal. On the one hand, the farmers and the planters, who are, all over the Colony, entirely dependent on the indentured Indian labour, cannot afford to do without a continuous supply of such labour; on the other, the people in the towns and the cities, such as Durban and Maritzburg, having no such interests at stake, would gladly see the entire prohibition of Indian immigration, indentured or otherwise. It is interesting to note that, throughout the whole controversy, the people of South Africa have not once

allowed themselves to think of Indian interests. It seems to have been tacitly assumed that the Indians who are at present resident in South Africa need not be taken into consideration at all. It does not appear to have struck them that these men, some of them very well-to-do and respectable, may have to bring their wives and children or servants from India. People in India would be surprised to learn that a suggestion has been seriously made that the Indians should be compelled to live on mealie (maize) meal, when the present stock of rice in the Colony is exhausted; and, as for other foodstuffs and the materials for dress imported from India, that, of course, is a mere detail. The Maritzburg Town Council has issued a circular addressed to the Indian storekeepers in that borough, informing them that they should begin to reduce their stock as they might, in view of the near approach of the plague, be called upon, each and all of them, to remove to a Location. Steamship companies, even the very best of them, entirely refuse to take Indian passengers for any of the South African ports. Several Indian merchants are suffering great inconvenience and undergoing terrible anxiety owing to members of their family or partners being in Lourenco Marques and yet not being allowed to come to Natal—not that Lourenco Marques has been declared to be an infected port, or that there is any plague there. Natal has used itself now to indirect and questionable methods of achieving its purpose, as witness its anti-Asiatic legislation, wherein an innocent person would fail to find the slightest mention of Indians. The same course has been adopted, so it would seem, with reference to the plague. No ship that brings an Indian is allowed *pratique*—by the Health Officer without reference to the Government—a procedure which of itself necessitates the detention of such a ship; although, it must be remembered, there may be no sickness on board, and the ship may have come from a clear port. Naturally (that is to say, in South Africa, for one would have thought that first-class steamship companies would not, through fear of vexatious quarantine, abandon their function, viz., the carrying of passengers from one place to another), therefore, the steamship companies refuse to take any Indian passengers. The Government have suspended indentured immigration for the time being, save as to those awaiting departure at Calcutta.

As if all this was not sufficient, the Maritzburg people met in the Town Hall of that place a few days ago, when the Borough medical officer delivered a violent harangue in support of a drastic resolution. Owing to an agitation advocating an entire

stoppage of the import of rice and other foodstuffs from India, the Government here asked the Indian Government whether rice was considered to be susceptible to infection. The Indian Government have replied in the negative. Dr. Allen, the officer in question, thus impeaches your Government:

> He supposed that they had all read the telegram which had been despatched to the Indian Government and the reply which had been received and published. He would like to ask them if they thought it likely that, if the Attorney-General had a prisoner in one of the Government gaols suffering under an accusation of some offence, that the Attorney-General would telegraph to him and say: 'Are you guilty or not?' He thought they would have no hesitation in saying what answer the gentleman in the gaol would telegraph back. He would say that the answer would be an emphatic 'no'. . . . The Attorney-General would not apply the principle to his own trade. . . . He dared to apply it in this stupendous question, and to bring it forward as evidence that they were free from danger. The evidence was as worthless as it was in the case of the prisoner.

The foregoing suggests many sad reflections. It is beyond question that all this agitation, all this panic, have their source not in an entirely *bona-fide* fear of the bubonic plague, but in the anti-Indian prejudice which is due chiefly to trade jealousy. That spirit pervades the proceedings of the plague meeting in Maritzburg, more particularly, Dr. Allen's speech. In his estimation, everything Indian is bad. He did not hesitate to impute corrupt motives to what he calls the "low officials" of the Indian Government. He said:

> But a very strange thing occurred in Bombay which it was important for them to remember, and this was that the number of deaths from dysentery and diarrhoea rose above the normal by 50,000. The Government of Bombay were well aware that those cases or the greater number of them, were cases of plague, and that influential Indians were able to get the deaths which took place in their family registered by native practitioners under other heads so as to escape the visit of the sanitary officers. That kind of thing pervaded the whole of India. . . . The Commission proved clearly that the same thing was going on in Calcutta ... That was known to the Government, but, chiefly because they feared a riot, they did not do it. . . . The Indian Government absolutely could not depend upon its petty officers with regard to that plague. There was deceit right through the lower officers of the Indian Government as to where the plague was.

If it is an Indian ship, it must have a secret manifest. Infection, unlike everywhere else, is in South Africa personal to the Indian. He and his goods only can bring the infection. No objection is taken to other passengers, even though they may come from infected districts. The steamship companies that touch Madagascar and Mauritius, which are declared to be infected ports, may bring European passengers but dare not bring Indians. It must be admitted that the Natal Government, as well as the Cape Government, are most anxious to avoid injustice being done during the panic. But they are so afraid of the voters, to whom the present members owe their position, that unconsciously but none the less surely, much needless inconvenience is caused to Indians. Heaven spare us from an actual visitation of the plague; if it does come, the condition in which the poor Indians will find themselves is too dreadful to contemplate. It is at times like this that the deplorable omission on the part of Mr. Chamberlain to take any notice of the illegal proceedings[1] of the Durban mob in the beginning of 1897, when for twelve days practically the Government abdicated their function in favour of a mob, is felt. In a continent like this, where there are diverse and conflicting interests belonging to the various races, the strong and powerful influence of the Home Government is ever necessary. Once give latitude to a particular section of the various peoples, and you never know when an ebullition will take place. Already, as stated before, the Port Elizabeth people have threatened to take the law in their own hands should the Government refuse to bend their will to their own. Anonymous letters have been appearing in the newspapers in Durban advocating the same policy; and this bird's-eye view of the history of the plague panic, which has by no means yet died out, may fittingly close with the following extract from the correspondence to *The Natal Mercury* which is, perhaps, a fair sample of the feeling of the man in the street in this part of the world:

> . . . If Government are timid and irresolute in action, let the people act for themselves, and go *en masse* again to the Point, and camp out there this time to stop all Asiatics from landing. We do not want them here at any price. Let the objectionable Indian immigration stop once and for ever; and I, for one, would join a crusade to make it too hot for those that are here.

The Times of India, 22-4-1899

[1] *Vide* Vol. II, pp. 140-229.

33. LETTER TO COLONIAL SECRETARY, NATAL[1]

14 MERCURY LANE,
DURBAN,
March 22, 1899

THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

The Indian community have noticed with satisfaction the removal of the fee of £1 for visitors on embarkation passes under the Immigration Restrictions Act.

I may state that before drafting the petition about this matter alluded to in the petition[2] regarding the Dealers' Licenses Act, I was asked to collect the opinions of the learned lawyers in the Colony and, in the event of a favourable opinion being received, to approach the Government again with a view to urging the removal of the rule in question and that the opinions so far received favour the view that the rule in question was illegal.

I am to request you to bring the contents of this letter to the notice of the Right Honourable the Secretary of State for the Colonies so as to inform him that the Government have graciously removed the cause of complaint as to the £1 fee.

I have the honour to be,
Sir,
Your most obedient servant,
M. K. GANDHI

Colonial Office Records : Memorials and Petitions, 1899

[1] This was sent as an enclosure to Despatch No. 29 dated March 25, 1899, from the Governor of Natal to the Secretary of State for the Colonies.
[2] *Vide* pp. 26-56.

34. MEMORIAL TO SECRETARY OF STATE FOR COLONIES

PRETORIA,
May 16, 1899[1]

TO
THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN
HER MAJESTY'S PRINCIPAL SECRETARY OF
STATE FOR THE COLONIES

THE MEMORIAL OF THE UNDERSIGNED REPRESENTING THE BRITISH INDIANS RESIDING IN THE SOUTH AFRICAN REPUBLIC

HUMBLY SHEWETH,

That your Memorialists regret that they have again to trouble Her Majesty's Government with reference to the unfortunate and embarrassing position in which the British Indians in the South African Republic are placed.

On seeing the correspondence between the Government and Sir William Wedderburn,[2] a short while ago, your Memorialists had hoped that the trouble of the British Indians in the Transvaal was practically over, but the Notice of the Government of the South African Republic, published in the *Staats Courant*, dated 26th April, 1899 (copy of translation whereof is hereto attached), and which necessitates a further representation, soon followed to undeceive the British Indians residing in the Republic; and it would appear that this time the Republican Government intend seriously to enforce the Law 3 of 1885, as amended in 1886. There is a reference to the matter in the Presidential speech, too, delivered on the opening of the Volksraad.

[1] From the Colonial Office Records. The printed copy of the memorial bears the date "May 1899". The memorial, which was submitted to the British Agent at Pretoria, was not dispatched to the Secretary of State for the Colonies till May 27; *vide* "Letter to Sir William Wedderburn", 27-5-1899.

[2] The reference is to Wedderburn's letter of January 13, 1899, in regard to the Locations Notice and Chamberlain's reply of February 15, 1899, in which it was stated that the British High Commissioner would try, in the course of his talks with President Kruger, to arrive at "some arrangement of a favourable character to the Indian traders". Lord Milner's attempts in this direction, however, bore no fruit as his talks with Kruger at Bloemfontein broke down on the question of franchise.

Your Memorialists venture to draw your attention to the fact that ever since the judgment[1] in the matter of *Tayob Haji Khan Mahomed* v. *F. W. Reitz, N.O.*, the Indian community in the Republic has known no rest. Several Notices were published with reference to the summary removal of the Indians to Locations. This has naturally dislocated their trade, and given rise to much uneasiness.

Your Memorialists would sooner welcome a final settlement of what is to them a momentous issue than a painfully unsettled state. It is respectfully submitted that, apart from the question urged in the last memorial as to the decision[2] of the majority of the Court in the case above referred to, there are questions arising out of the Law and the Notice, the subject matter hereof, which would justify effective interference on the part of Her Majesty's Government.

Unlike as in the previous Notices, the Transvaal Government have, in the present Notice, closely followed the Law 3 of 1885, with its amendment. The first part of the preamble of the Notice proceeds:

> Whereas Law 3 of 1885, Article 3 (d), gives the Government the right to point out for sanitary purposes certain streets, wards, and Locations for habitation to persons belonging to one of the aboriginal races of Asia, including the so-called coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire. . . .

Her Majesty's Government have accepted the Law. The Courts of the South African Republic have interpreted it to mean that the word habitation includes the dwelling place as well as the place of business. Thus far, therefore, your Memorialists have to submit to the inevitable. But they take the liberty to point out, as they have done before, that the Law gives the Government the power under certain conditions, and with respect to certain persons only. They should prove to the satisfaction of Her Majesty's Government that sanitary reasons exist for the removal of the persons affected by the Law, and that those reasons, and those alone, guide their action before they could summarily remove such persons to Locations. It is further submitted that they should prove that your Memorialists are the persons referred to in the Law.

Your Memorialists have endeavoured to show in the memorial[3] printed in the Blue Book C. 7911, of 1895, pp. 35-44, that

[1] *Vide* "Cable to Viceroy", p. 13.
[2] *Vide* p. 35.
[3] *Vide* Vol. I, pp. 201-19.

there are no sanitary grounds for the removal of the Indians to the Locations, and that the reasons for such removal are to be sought for, not in the alleged insanitary habits of the Indians, but in trade jealousy. Your Memorialists make no apology for reproducing the testimony then produced to controvert the charge of insanitation brought against the Indian community in the Republic. Dr. Veale, of Pretoria, who has a considerable practice among the Indians, stated in 1895:

> I have generally found them cleanly in their persons, and free from the personal diseases due to dirt or careless habits. Their dwellings are generally clean, and sanitation is willingly attended to by them. Class considered, I should be of opinion that the lowest class Indian lives better, and in better habitation, and with more regard to sanitary measures than the lowest class white. . . . Generally, in my opinion, it is impossible to object to the Indian on sanitary grounds, provided always the inspection of the sanitary authorities is made as strictly and as regularly for the Indian as for the white.

Dr. Spink, of Johannesburg, stated that the "residences of the bearers of this note" were in "a sanitary and hygienic condition, and in fact such as any European might inhabit". Dr. Nahmmacher, of the same place, said:

> Having frequently occasion to visit the better class of the Indian population of Johannesburg (merchants, etc., coming from Bombay) in my professional quality, I give as my opinion that they are as clean in their habits and domestic life as white people of the same standing.

Over thirty European firms of Johannesburg said:

> The aforementioned Indian merchants, the majority of whom come from Bombay, keep their business places as well as their residences in a clean and proper sanitary state—in fact, just as good as the Europeans. That it is a distinct error in calling them coolies, or inhabitants of British India of a lower caste, as they decidedly belong to the better and higher caste of India.

What was true in 1895 is none the less so in 1899. Even at the time of the recent plague scare, so far as your Memorialists are aware, there was nothing of a serious nature to be found against them. It is not contended that there are no Indians in the Transvaal over whom sanitary supervision is unnecessary; but your Memorialists do submit, without fear of contradiction, that a charge justifying the wholesale removal of Indians to a Location cannot be brought home to them. Your Memorialists submit that isolated cases of insanitation could be effectively dealt

with under the sanitary regulations, and your Memorialists could have no objection to such regulations being made stricter, if necessary.

Your Memorialists have always respectfully insisted that the Law does not apply to the better-class Indians from which class the traders are drawn, and against whom alone the whole agitation is, in fact, directed. Can it be too much to request Her Majesty's Government to keep the Government of the South African Republic to the exact wording of the Law which applies to "aboriginal races of Asia, among whom are comprehended the so-called coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire"? Your Memorialists respectfully but emphatically protest against the term "coolie" being applied to them. They are certainly not Arabs, neither Malays, nor Mahomedan subjects of the Turkish Empire. They claim to be loyal, peaceful and humble subjects of Her Most Gracious Majesty the Queen-Empress, whose protection they seek in their struggle against prejudice and trade jealousy, which protection, they feel confident, will be extended to them. In your address to the Colonial Premiers, on the occasion of their visit to London in the year of the Diamond Jubilee, you were graciously pleased to refer to the Indians in most flattering terms.[1] May your Memorialists hope for the practical application of the ideas therein expressed to the British Indians in the South African Republic? It will be a great Birthday honour for the British Indians in South Africa to have the insult implied in the above terms removed, and their status well defined in accordance with the letter and the spirit of the Gracious Proclamation of 1857[2].

The Government of the South African Republic have the "power for sanitary purposes of showing them (coolies, Arabs, etc.,) fixed streets, wards, and Locations for habitation", that is to say, in the respective townships, not the power to "force" them, in the words of His Honour the late British Agent, "into a small Location on a spot used as a place to deposit the refuse of the town without any water except polluted soakage in the gully between the Location and the town", which "must inevitably result in malignant fevers and other diseases breaking out amongst them, whereby their lives and the health of the community in the town would be endangered". Even if it were necessary to separate the

[1] *Vide* Vol. II, pp. 287-8.
[2] This is a slip for 1858.

Indian community from the European, it is difficult to understand why the former should be relegated to a place where they cannot trade, where there are no sanitary conveniences, and where there is no water supply. Your Memorialists respectfully submit that streets and wards could with equal facility be selected in a more convenient place in the townships themselves, if there were no other reasons than the sanitary.

In conclusion, your Memorialists venture to draw your attention to the comparatively enormous interests that are at stake, and the ruin that would be caused, by the contemplated removal, to the Indian traders, and to lay the matter in the hands of Her Majesty's Government in the full hope that some definite and satisfactory solution of the difficulty in which they are placed will be arrived at.

And for this act of justice and mercy, your Memorialists, as in duty bound, shall for ever pray, etc., etc.

(Sd.) TAYOB HAJEE KHAN MAHOMED
AND OTHERS

[ENCLOSURE]

THE NEW REGULATIONS

PUBLISHED IN *Staats Courant*, APRIL 26, 1899

Whereas Law 3 of 1885, Article 2 (d), gives the Government the right to point out, for sanitation purposes, certain streets, wards, and Locations for habitation ("ter bewoning") to persons belonging to one of the Aboriginal races of Asia, including the so-called coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire; whereas, according to the judgment of the High Court in the case of *Tayob Hajee Khan Mohomed* v. *F. W. Reitz, N. O.*, these places can be pointed out for business as well as residential purposes; whereas the Government has deemed fit to point out such streets, wards, and Locations for the said purposes, in, at, or adjoining the proclaimed established dorpen (villages) and standdorpen, and have the same surveyed and brought into order; whereas it is desirable for the proper control of the sanitary condition of the streets, wards, and Locations pointed out, as stated, that the same shall be placed under the local authority or board; so therefore I, Stephanus Johannes Paulus Kruger, State President of the South African Republic, with advice and consent of the Executive Council, by virtue of the Article 420 of its minutes of 24th April, 1899, proclaim and stipulate as follows:

The streets, wards, and Locations in, at, or adjoining the villages or standdorpen pointed out and surveyed as places of residence and business for

the said persons, which do not form part of such villages or standdorpen, and which do not fall under the local authorities or board of management, shall, as from now, form part of such villages or standdorpen, and are placed under such authority or board, be it the local Landdrost, Mining Commissioner, Responsible Clerk, or any Town Council, or Town Board. God save "Land en Volk."

Given under my hand at the Government Office, Pretoria, this 25th April, 1899.

S. J. P. KRUGER,
STATE PRESIDENT
F. W. REITZ,
STATE SECRETARY

The following Government Notice is likewise published, viz., with reference to the Government Notice of November 18, 1898, No. 621, published in the *Staats Courant*, No. 621, of November 23, 1898:

"The following is additionally made known for general information:

1. Coolies, Arabs, and other Asiatic coloured persons, who do not yet live and do business in the streets, wards, and Locations pointed out for that purpose, but live and do business, in conflict with the law, in a village or standdorp, outside the streets, wards, and Locations pointed out, or at any other place not pointed out for this purpose, outside a village or standdorp, shall go and live, and do business, before July 1, 1899, in the streets, wards, and Locations pointed out for that purpose, according to Law 3 of 1885, regarding coolies, Arabs, and other Asiatics, and in particular Article 2, Section D, thereof, which, after amendment by the Volksraad besluit, Article 1, 419 of August 12, 1886, reads as follows, viz.: 'The Government shall have the right, for sanitation purposes, to point out for habitation ('ter bewoning') by them (that is, coolies, Arabs, and other Asiatic coloured persons), fixed streets, wards, and Locations.' This stipulation is not applicable to those who live on their masters' premises."

2. In terms of the above, Arabs and other Asiatics shall get a licence, after June 30, 1899, only for a business in the streets, wards, and Locations pointed out according to law.

3. Coolies, Arabs, and other Asiatics, who now still do business outside the streets, wards, and Locations pointed out for that purpose, shall have to take out a licence therefor until June 30, 1899, and after that date such licence only be granted them for carrying on business in streets, wards, and Locations pointed out according to law.

4. Hawkers' licences can be issued to coolies and other Asiatics and coloured persons who live in the streets, wards, and Locations pointed out for that purpose for the quarter ending June 30, 1899.

5. Coolies, Arabs, and other Asiatics who live and do business at places outside a village or standdorp are given time until July 1, 1899, to remove their dwelling and business to the streets, wards and Locations pointed out, in terms of the law. They must, however, also take out a licence for their business until June 30, 1899.

6. After the above fixed date, June 30, 1899, the coolies, Arabs, and other Asiatics concerned, shall be granted no licences for business or trading purposes outside the streets, wards, and Locations pointed out for that purpose, and those who trade or carry on business after the said date, without licence, outside the streets, wards, and Locations pointed out, shall be punished according to law.

7. Coolies, Arabs, and other Asiatics who consider that on the ground of contracts, closed or otherwise, they may claim longer time, must apply for such at least six weeks before July 1, 1899, giving the reasons for so doing to the Landdrost or Mining Commissioner, who shall notify the Government, and give his explanations and advice.

8. Likewise shall coolies, Arabs, and other Asiatics, who consider they do not fall under the said amended Law 3 of 1885 (be it because they entered into a long lasting lease or contract before 1899, the time of which has not yet lapsed, or because they received transfer) at least six weeks before July 1, 1899, give notice, together with reasons, to the Landdrost or Mining Commissioner, who shall notify the Government of it, and give his explanations and advice.

9. It shall be left to the discretion of Landdrosts and Mining Commissioners to exercise some consideration with reference to the said date, July 1, 1899, when it appears that coolies, Arabs, etc., show their willingness to obey the law by building dwellings in the streets, wards, and Locations pointed out, but cannot finish these dwellings within the stipulated time.

10. The Government is willing, if such request is made, to meet the coolies, Arabs, etc., who do business by favourably considering the granting of a piece of ground in the streets, wards, and Locations pointed out for the establishment of a bazaar or covered building with shops.

(Signed) F. W. REITZ
STATE SECRETARY

GOVERNMENT OFFICE, PRETORIA
April 25, 1899

From a photostat of a printed copy : S.N. 3198, 3199 and 3200

35. *INDIANS IN THE TRANSVAAL*

DURBAN,
May 17, 1899

I propose in this letter to give a bird's-eye view of the series of blunders committed by one Colonial Secretary after another in Her Majesty's name, whereby inch by inch they gave up the case of the British Indians in the South African Republic, and which have now culminated in a pompous notice issued by the Government of that Republic, calling upon the Indians, on pain of being deprived of their licences, to remove to Locations which have been described by the eminent writer of the series of articles headed "Indian Affairs" in *The Times* (London) as "Jewish ghettoes", and by one of Her Majesty's British Agents in Pretoria as a "spot used as a place to deposit the refuse of the town, without any water except the polluted soakage in the gully between the Location and the town". In the course of a single newspaper article I must be brief, and cannot afford, in a rapid survey of the situation, to give lengthy quotations. For the edification of the curious and those who would care to learn the full history of the question, I must refer them to a Blue Book, published in 1895, on the question (Papers relating to the Grievances of Her Majesty's Indian subjects in the South African Republic—C. 7911, 1895), and two Green Books of the Transvaal Government published in the year 1894, from which and other recent literature I have extracted the following summary:

As early as 1884, when the presence of a respectable number of Indian traders in the Republic attracted general notice, and their success the jealousy of their European rivals, the Transvaal Government, yielding to the outcry of a few interested merchants who thought nothing, in order to gain their end, of making what may fairly be called deliberate misrepresentations about the docile Indians' habits and morals (as witness the following quotations from a libellous petition presented by the Europeans to the Orange Free State Volksraad, and sent approvingly to the Transvaal Volksraad by the Pretoria Chamber of Commerce: "The dangers to which the whole community is exposed by the spread of leprosy, syphilis and the like loathsome diseases

engendered by filthy habits and immoral practices of these people ... As these men enter the State without wives or female relatives, the result is obvious. Their religion teaches them to consider all women as soulless, and Christians as natural prey."), proposed to enact severe laws with a view to drive the Indians out of the Transvaal by imposing a poll-tax of £25 on each new arrival, and by compelling those that would live under such conditions and the old residents to reside and trade in Locations which, in plain terms, would mean denying them the right of trading. The London Convention of 1884 which, owing to other causes, has now come into such prominence, however, stared the Government in the face. This Convention protects the rights as to trading, etc., of all other than natives of South Africa. Nothing daunted, by a reasoning worthy of the Boer Government, they proposed to include the Indians in the term—natives. This, however, was too much, even for the obliging High Commissioner, Sir Hercules Robinson, who let them understand that the British Indians could not be included in the term "natives of South Africa". But (and here mark the first blunder) without going into the allegations against the Indians that were brought to his notice, he was prepared to advise Her Majesty's Government to agree to such an amendment of the Convention as would enable the Boer Government to pass anti-Indian legislation. Lord Derby, however, knew better, and instead of adopting that suggestion, he was prepared to let the Transvaal Government pass the laws in the interests of *public health*, provided that the £25 were reduced to £3, and that a clause was added stating that, for sanitary reasons, the Indians could be made to reside in Locations. Thus, he, too, instead of examining the allegations, took what the Transvaal authorities said for granted, and bartered away with a light heart the vested rights of the Indians, all the while remaining under the delusion created by one of the High Commissioner's despatches, that the law, as it applied to the so-called coolies, etc., would leave the respectable Indian merchants untouched.

No sooner, however, was the law passed, than the Colonial Office was undeceived. The very persons, who it was thought were left out, were called upon to remove to Locations, and found themselves deprived of their right to own landed property, travel first or second class on the railways, and generally classed among the raw Zulus. It did not strike either the High Commissioner or the authorities in Downing Street to secure a promise from the Transvaal Government to leave those people untouched. Their

mental reservation at the time of assenting to the legislation could not, and that quite naturally, bind the Republican Government. A series of negotiations took place between the Indians and the British Agent on the one hand, and the High Commissioner and the Transvaal Government on the other, the former trying, it must be said, though in a half-hearted manner, to regain the lost ground. All along, however, the Transvaal Government very naturally have scored heavily. Lord Ripon came to the helm when the thing was one mass of confusion, and he suggested arbitration as to the interpretation of the laws. Unfortunately, however, even then the real question was left untouched. The submission was, so those who are qualified to judge say, loosely drawn, and a gentleman, however estimable in other respects, but with a great bias against the Indians, was selected as the arbitrator, viz., the Chief Justice of the Orange Free State. It may be here parenthetically remarked that this arbitration has been used by President Kruger as a precedent for having other questions of dispute between the two Governments referred to arbitration, and it must have caused Mr. Chamberlain many an anxious half-hour in order to get rid of the dilemma. The arbitrator sat, and he too would not discuss the question whether there were any grounds for the charge of wholesale insanitation against the Indians. Armed as he was with the widest powers, he made liberal use of them, and delivered an award[1] which left the Indians entirely where they were. He was asked, regard being had to the despatches that had passed between the two Governments—despatches which could not possibly be considered by a judicial tribunal, but which could very properly be considered by him—to interpret the laws, and to say to whom they applied and what was the meaning of the word "habitation". (If the last question put to the arbitrator excites a smile in Bombay, my answer is, South Africa is not Bombay.) The arbitrator, however, learned lawyer though he was, did nothing of the kind, but delegated his function to the Transvaal Courts, that is to say, he decided that the interpretation of the laws could only be given by those Courts.

As soon as the precious award was published, the Indians approached the Colonial Secretary, and besought him not to accept the award, and protested that they were allowed to have no voice in all these proceedings—not even as to the selection of an

[1] *Vide* Vol. I, p. 203.

arbitrator. To a lay mind it would appear that there would have been absolutely nothing wrong in Mr. Chamberlain insisting upon the arbitrator giving his interpretations of the laws in view of the despatches. The Indians produced voluminous evidence to prove that the assent to the laws was obtained under misrepresentations; that the charge of insanitation was groundless, three medical gentlemen of standing in the Transvaal certifying that the Indians lived as well as the Europeans and one of them going so far as to say that, class considered, they lived better and in better habitations than the Europeans, and that the real reason which was all along suppressed was trade jealousy. This resulted in extorting from Mr. Chamberlain the certificate that the Indians were a "peaceable", law-abiding, and meritorious body of persons, with their undoubted industry and intelligence, and their indomitable perseverance. But the certificate is one thing, and relief is quite another. The Test Case[1] that was tried last year is still fresh in the public mind. As will be recollected, it resulted in the interpretation of the laws which was forestalled by the memorial of the Indians above referred to, that is to say, in the opinion of the Judges of the High Court of Pretoria the phrase "for the purposes of habitation" means "for the purposes of dwelling and business". The last ray of hope, therefore, that was left for the unfortunate Indians in the Transvaal disappeared with this last act of the tragedy. Notices after notices have been issued by the Transvaal Government threatening to remove the Indians to Locations. This has disorganized their trade, unsettled their minds, and they are resting on the edge of a sword. The correspondence between the Colonial Secretary and Sir William Wedderburn, early this year, came as a bright spark in the darkness. But, alas! It was only a spark, for the pompous notice above referred to has again created a panic, and the poor people do not know where they are and what to do. The notice is supposed to be a final notice—it reads more like an old-fashioned legal document with many whereas-es and contains copious references to the anti-Indian laws passed, and calls upon "the aboriginal races of Asia, among whom are included the so-called coolies, Arabs, Malays, and Mahomedan subjects of the Turkish Empire", to remove to Locations on or before the 1st of July, provided, however, that the Government might—(observe the vagueness when it is a matter of granting a

[1] *Vide* "Letter to British Agent", pp. 1-2.

concession)—allow those holding long leases to live out the term of their leases in their present places of business.

Such is the awkward position that awaits Her Majesty's Indian subjects in the South African Republic, whose only fault is that they are frugal, industrious, abstemious, and fond of earning a livelihood by honest means. They have made a desperate effort and sent again a representation[1] to Mr. Chamberlain asking him to present them with a birthday honour in the shape of a clear definition of their status in that gold-producing country. We all await anxiously the result of the representation. In justice to the indefatigable Colonial Secretary, it must be confessed that he has only inherited the errors of his predecessors, and there is no doubt that he is doing what he considers to be his best to regain the lost ground. May he succeed in his efforts is the prayer of every Indian in South Africa.

The Times of India, 17-6-18[illegible]

36. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
May 18, 1899

MR. C. BIRD
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

With some diffidence I venture to draw your attention hereby to some aspects of the Bill to amend Indian Immigration Law, now before the Legislative Assembly.

I understand the Bill has been drafted in reply to the complaint of the Indian Immigration Trust Board as to the alleged frequency of the complaints made by the indentured Indians, which are said to be used as a pretext by the complainants to leave their work.

The Bill proposes to remedy the alleged evil—

(1) by making it lawful for the Protector, the Assistant Protector or any Magistrate to cause any complainant to be sent back after he has lodged his complaint;

[1] *Vide* "Memorial to Secretary of State for Colonies", pp. 72-8.

(2) by authorizing the employer under certain circumstances to deduct the expenses of the safe return of the complainant;

(3) by making the complainant under those certain circumstances liable to be punished as if he was illegally absent.

With deference, it is submitted that this Bill would render more difficult the precarious position of men serving under indentured labour which has been acknowledged, by the Imperial Government, to be a necessary evil and by those best acquainted with such form of labour, to be "semi-slavery" or "a state perilously near to slavery".

In my humble opinion, the existing law coupled with the decision of the Supreme Court in the matter of Ramsamy and the Protector of Indian Immigrants is sufficient to meet the requirements of the employers, if it does not, indeed, act as a deterrent even against *bona-fide* complaints. No law will be, can be, sufficient for those who would not work and would rather 'rot' in the gaol than do honest work. If, however, the Government consider it necessary to conciliate the employers and make the existing law more explicit, I feel that nothing need be said from the Indian standpoint against the proposed amendment so far as the first two alterations are concerned. But I venture to submit that the last clause, viz., the power to charge a complainant with illegal absence when, rightly or wrongly, he fancies he can leave his work with immunity in order to make a complaint, is uncalled for and is calculated to interfere with the right, reserved under the Law 25 of 1891, to leave his work for the sake of making his complaint. An Indian may fancy that he has a wrong to be redressed in that he does not get ghee instead of oil. The complaint would, in all probability, be treated as frivolous by a Magistrate or Protector; none the less, I hardly think the frivolity is so great as to turn him from complainant into defendant. I submit that every facility should be given to a man, who honestly believes that he has a complaint, to make it, and this the proposed amendment does not do, unless a legal and logical mind is to be attributed to an average indentured Indian.

The safeguards provided against frivolous complaints, it is submitted, are sufficiently severe without the addition of the penalty clause. The deduction of wages is perhaps more painful for an indentured Indian than imprisonment.

The fact that the Bill, if I read it rightly, is an enabling Bill, does not, in my humble opinion, in any way weaken the above argument. I have some little experience of the working of the

present law. The manner in which these trials take place does not always favour the complainants and the Magistrates, being unable to wade through a maze of exaggeration, are often obliged to set down complaints as "vexatious and frivolous" though they may be perfectly true.

The remedy, if I may suggest one, and if, indeed, it is necessary, is to be found in a speedy settlement of such complaints. An Act to give these complaints a preference to be heard before all others, and enabling the prosecutor to bring these cases up on the shortest notice, and perhaps compelling other work from such men, while away from their estates, so as to discourage idleness, would meet the evil if it does exist to any great extent, without curtailing the liberty of the persons affected, or without rendering it next to impossible for them to complain.

I beg to be excused for the lengthy argument; as I know the Government are anxious to do justice between man and man and to hear both sides of the case, I thought I would be failing in my duty if I did not place before the Government the view that the Indians have taken of it. The employers of labour from the very nature of their position can take only one view of the question. The free Indians, being the kith and kin of the indentured Indians and not being employers, may be allowed to take a dispassionate view.

Under the circumstances, may I venture to hope that the Government would be graciously pleased to take out the clause complained of or so alter it as not to deprive the indentured Indian practically of his right of complaint.[1]

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 1614, File No. 3842

[1] The Colonial Secretary, in his letter dated May 29, 1899, turned down the request.

37. LETTER TO COLONIAL SECRETARY, NATAL

MERCURY LANE,
DURBAN,
May 19, 1899

TO
THE HONOURABLE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I have the honour to enclose herewith copy of the message which the representative Indians intend to send by cable to Her Majesty's Principal Secretary of State for the Colonies on the 24th instant, tendering their humble and loyal congratulations to Her Majesty on her eightieth birthday, and, by their desire, to request you to forward same.

I am to add that on receipt of a memo of monies spent from you I am authorized to forward you a cheque[1].

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Enclosure 1[2]

Pietermaritzburg Archives : G.C.O. 3903/99

38. CABLE TO QUEEN VICTORIA

DURBAN,
May 19, 1899

NATAL INDIANS TENDER HUMBLE AND LOYAL CONGRATULATIONS TO HER MAJESTY ON HER EIGHTIETH BIRTHDAY. FERVENTLY PRAYING ALMIGHTY MAY SHOWER CHOICEST BLESSINGS ON HER.

From a photostat of the office copy : S.N. 3195

[1] *Vide* p. 91.
[2] *Vide* the following item.

39. *PETITION TO SECRETARY OF STATE FOR COLONIES*

DURBAN,
[Before *May 27*,] *1899*[1]

THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN
HER MAJESTY'S PRINCIPAL SECRETARY OF
STATE FOR THE COLONIES

THE PETITION OF THE UNDERSIGNED JOHN FRAZER PARKER, OF PRETORIA, IN THE SOUTH AFRICAN REPUBLIC, GENTLEMAN

HUMBLY SHEWETH:

That your Petitioner is a natural-born British subject residing in Pretoria in the South African Republic.

Your Petitioner owns considerable freehold as well as leasehold property in the Transvaal

Your Petitioner has carefully read the latest notice issued by the Transvaal Government requiring the Indians and other coloured people to remove to Locations on or before the 1st of July, 1899. The notice, however, states that the Government might deal leniently with those who hold long leases.

Your Petitioner owns ten cottages built on his own freehold property in the town of Pretoria, which he has let to (ten) cape coloured persons, commonly known as "Cape boys", whereby your Petitioner receives per month a sum of twenty pounds (£20) as rent.

Your Petitioner has a lease of property in a street called Prinsloo Street in Pretoria the term whereof has yet to run for 8½ years. Your Petitioner has, as is common in the Transvaal, as well as in other parts of South Africa, built wood and galvanized iron buildings on the leasehold valued at over £4,500.

The above-mentioned leasehold is occupied entirely by British Indian tenants and the value of their tenancy to your Petitioner according to the present rental, apart from this freehold property, would amount to the sum of £19,380 during the unexpired period of the term.

Your Petitioner apprehends that, if the notice is allowed to affect the present Indian traders in the Transvaal or their successors

[1] *Vide* the following item.

in business, it would involve a great loss to your Petitioner, and is likely to deprive your Petitioner of the chief source of his income.

Your Petitioner, relying fully on the 14th article of the London Convention, always held the belief that the position of these British subjects was unassailable, and your Petitioner's sense of justice, seeing that the Indians were British subjects as much as any other persons, refused to believe that, in spite of the arbitration[1] and the recent Test Case[2] regarding the status of British Indians in the Transvaal, the position of the Indians already settled could or would be disturbed.

Your Petitioner's own experience of the Indians in the Transvaal is very happy. Your Petitioner believes them to be his best tenants, who have always paid the rents regularly and without demur. In your Petitioner's opinion, they are unobtrusive, docile and extremely well-behaved. They are law-abiding and always willing and ready to conform to the laws of the country which they may go to. Their habits are cleanly and they keep their stores and dwelling-places clean and neat. Their courtyards will compare favourably with those of many Europeans. Their sobriety, i.e., of the trading class, is proverbial. In your Petitioner's opinion, the charges of immorality and uncleanliness one so often notices in the papers made by ignorant and, for most part, anonymous writers are grossly unfair to them. The patience with which they have put up with the constant "nagging" they have been subjected to for the last ten years is or would appear to a Britisher to be simply marvellous.

The Cape coloured people who, too, are affected by the notice, are your Petitioner's equally valuable tenants. They are cabmen or cigar-makers, etc., and have adopted the European habits and customs.

In your Petitioner's humble opinion, it is the fact of a person being a British subject that renders such a person liable to disabilities in the Transvaal which he could not otherwise be subjected to. The Indian subjects of the King of Portugal are free to hold licences and to enjoy the rights commonly enjoyed by the other residents of the Transvaal.

Your Petitioner submits that, so far as Pretoria is concerned, as it is, the bulk of the Indians are already separated from the Europeans, only not so as to ruin their trade or to subject them

[1] *Vide* Vol. I, pp. 197-8 and 201.
[2] *Vide* pp. 1-2.

to indignity, as is sure to happen if they are relegated to a Location. The business section of Prinsloo Street, which runs across the middle of Church Street, the principal street of Pretoria, is almost entirely inhabited by Indian traders. Here the Government could exercise any control they chose in the interests of sanitation, if it was merely a question of separating the Indians from the Europeans and bringing them together in one place with the object of more supervision. The few Indian merchants that are to be found in Church Street have such large businesses and keep their stores and courtyards in such good condition that, in your Petitioner's humble opinion, to disturb them would be wanton injustice as, indeed, it would be in all the other cases, only the effect would not be so disastrous as in the cases of the Church Street merchants, whose long-standing businesses have given the positions they occupy considerable trade value.

Your Petitioner has seen the Location intended to be used by the Indians. It would place them, who are undoubtedly infinitely superior to the Kaffirs, in close proximity to the latter. A sluit, which receives the filth and the dirt from the cantonment, which lies some distance upwards, separates the Location from the Town. It is situated in an out-of-the-way corner relieved by nothing less than the refuse of the Town, which is deposited nearby and is absolutely unprotected against storms, which are by no means uncommon. As a man of business, your Petitioner can say that the place is absolutely unfit for trade, it being frequented neither by Europeans nor the large stream of Kaffirs continually passing through Pretoria who form these unfortunate people's chief customers. It is needless to say there is no effective arrangement for the removal of night-soil nor a water supply except the filthy and polluted water from the sluit.

Your Petitioner has thought it necessary to mention these facts in order to show that, in asking Her Majesty's Government to protect his interests, he asks for nothing that would be inimical to the interests of the general population of Pretoria. For, your Petitioner is free to admit that, if even a fourth of the charges brought against the unfortunate Indian traders were true, your Petitioner's interests would have to give way before those of the social body at large. Your Petitioner may incidentally mention that there are other natural-born British subjects placed more or less in the same position that he is placed in.

The fact that the Government have expressed their willingness to leniently consider the question of the Indians holding long leases, does not affect the position herein taken up by your Petitioner,

who can ill afford to give these merchants very long leases for the simple reason that they would mean a much lower rent than what your Petitioner is able to obtain for shorter terms.

Your Petitioner has had on several occasions an interview with His Honour the British Agent who was gracious enough to give to your Petitioner such information and advice as he could give. A time, however, your Petitioner humbly submits, has now arrived for a more formal and fuller representation, and your Petitioner respectfully prays that the matter would receive the consideration it deserves and for this act of justice and mercy your Petitioner shall, as in duty bound, for ever pray, etc., etc.

J. F. PARKER

Colonial Office Records : C.O. 417-1899, Volume XX, Parliament

40. *LETTER TO SIR WILLIAM WEDDERBURN*[1]

14 MERCURY LANE,
DURBAN,
May 27, 1899

SIR,

I venture to enclose herewith a copy of the Memorial of the British Indians in the Transvaal with reference to their position in virtue of the latest notice issued by the Transvaal Government, requiring the Indians in that country to remove to Locations on or before the 1st July this year.

It will be seen from the notice that the Government propose to remove the Indians to Locations for the purposes of sanitation. Would it, then, be unreasonable to ask the Colonial Secretary to see that the sanitary reasons do exist before the Indians are removed to Locations? The petition furnishes, in my humble opinion, ample proof to show that there can be no sanitary reasons for the measures proposed to be adopted by the Government.

The grievances of the Uitlanders which have attracted world-wide attention and which nowadays fill up columns of the leading newspapers are, it is submitted, insignificant compared to those of the British Indians in the Transvaal as well as other parts of South Africa. Will it, then, be asking too much of the sympathizers in England and the Indian public to give this very

[1] This is a printed letter and was evidently sent to a number of people in England and India.

important matter (important because it affects the future of the whole of India so far as emigration outside India is concerned) their best attention?

The petition referred to in this letter is in the hands of the British Agent in Pretoria, but pending the result of the Conference between the High Commissioner and the President of the Republic at which the Indian question will also be discussed, the despatch of the petition to Mr. Chamberlain has been delayed. It may not even be sent to him. But as time is of utmost importance in this matter, it was considered prudent to send the petition lest the negotiations referred to above might prove abortive.

A copy of the petition by Mr. Parker, of Pretoria, a natural-born British subject, with reference to the same matter, is also sent herewith. It may throw a great deal of light on the question.

I remain,
Sir,
Your obedient servant,
M. K. GANDHI

Colonial Office Records : C.O. 417/1899, Volume XX, Parliament

41. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
May 29, 1899

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I have the honour to acknowledge your letter of the 27th instant with reference to the congratulatory cable to the Queen-Empress from the Natal Indians and beg herewith to enclose cheque for £4-15-0 as per advice.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : G.C.O. 3903/99

42. TELEGRAM TO COLONIAL SECRETARY, NATAL

[DURBAN,]
June 30, 1899

TO
HON'BLE COLONIAL SECRETARY
PIETERMARITZBURG

SHALL BE OBLIGED IF YOU WILL INFORM WHETHER GOVERNMENT INTEND TAKING OUT FROM ABSENTEE LANDLORDS BILL CLAUSE AFFECTING INDIANS BY IMPLICATION AS OTHERWISE INDIANS INTEND PROMOTING PETITION.

GANDHI

From a photostat of the office copy : S.N. 3214

43. ADDRESS TO G. M. RUDOLPH[1]

[*July 5, 1899*][2]

SIR,

We, the undersigned, representing the British Indian residents of Ladysmith, hereby venture to place on record our deep sense of gratitude, on this the eve of your retirement from active service in the Colony, for the impartiality with which you have administered justice during your tenure of office in Ladysmith. We have noticed with joy that the people of the Colony, through the local Parliament, have decided to recognize your long record of exceptionally useful service by granting you full pension. Whilst we rejoice that you are about to enjoy well-earned rest, we cannot cherish the prospect from a selfish point of view without sorrow. Your kindness towards the litigants, the patience with which Your Worship endeavoured to master the essence of cases that came before you, and the even-handed justice that was dealt to all, without fear, favour or prejudice, have endeared you to the Indian community, and have added lustre to the British Constitution, so

[1] On his retirement as a magistrate of Ladysmith

[2] The address was read out by Gandhiji at a meeting held on July 5; *vide* the following item.

worthily represented by you for so long in Ladysmith. We beg that you would be pleased to accept the accompanying souvenir as a token of the esteem of the Indian community of this town for Your Worship.

With respectful wishes for a long, happy and peaceful life, and with prayers to the Almighty that He may fulfil our wishes,

We are, etc.,
AMOD MOOSAJIE OMAR
AND OTHERS

The Natal Mercury, 7-7-1899

44. SPEECH AT LADYSMITH

July 5, 1899

Mr. M. K. Gandhi said it gave him the greatest pleasure to be called upon by his countrymen in Ladysmith to take part in this function. It was a privilege and an honour. Since the presentation by the Court officials a healthy jealousy had arisen among Ladysmith Indians, who, through Mr. Vinden, instructed him to see that the present address and souvenir were in no way inferior to those already presented. The execution of the address was left in the hands of Mr. Singleton, who executed eight out of every twelve addresses in the Colony, and selection of the souvenir with Mr. Ferguson, who assured him that the centrepiece was a unique piece of good workmanship. He mentioned this to show the gratitude and affection of Ladysmith Indians towards His Worship. When he was lately there his countrymen vied with one another in telling him of His Worship's stern impartiality, loving kindness, and gentle disposition, and herein they now found expression to their sentiments on His Worship's retirement. The lamp of gratitude and affection in the Indian heart was ever ready to respond to the spark of sympathy, of which they had in abundance from His Worship, and it was a matter of pride that he was associated with that happy event. He then read the following address[1].

The Natal Mercury, 7-7-1899

[1] *Vide* the preceding item.

45. LETTER TO COLONIAL SECRETARY, NATAL[1]

14 MERCURY LANE,
DURBAN,
July 6, 1899

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

With further reference to your letter dated the 13th ultimo, in view of the correspondence that is going on between the Imperial and the local Governments, it may not be amiss to show how far the fears expressed in the "Dealers' Licenses Memorial"[2] have been realized. I have not been able to collect accurate information from all the places, but so far as the information has been received, it is of an extremely discouraging nature.

In Dundee, the licences were first refused and on an appeal they were granted under certain qualifications endorsed on the back of the licences, viz., "This licence is granted upon the distinct understanding that it will not be renewed in the present buildings. By order of the Board. (Sd.) Fras. J. Birkett, Licensing Officer and Town Clerk." In answer to an enquiry, several of the licence-holders said that they thought the licences were so granted because their stores were wood-and-iron buildings. It appears Messrs Handley & Sons and Harvey Greenacre & Co. in Dundee have a brick front but the rest of their stores is wood-and-iron. Messrs Taylor & Fowler, merchants of Dundee, have their store entirely of wood and iron. In Newcastle the licences refused last year have been refused this year also. The Town Council were good enough to give some time to two of the applicants in order to enable them to sell off their stock, but this could hardly act as a remedy against the loss occasioned to the parties concerned. One of them, Abdool Rassool, had a large

[1] This was sent as an enclosure to Despatch No. 96 dated July 14, 1899, from the Governor of Natal to the Secretary of State for the Colonies, London.

[2] *Vide* Vol. II, pp. 268 and 277-8.

business and owned a wood-and-iron store. It was pointed out to the Council that the building which represented to him a value of £150 would fetch practically nothing if it had to be sold.

In Verulam, I understand, two applicants who held a licence last year have been refused their licenses this year and the men as well as their servants are now comparatively reduced to poverty.

In Ladysmith, one M. C. Amla, who has been trading there for several years, has been deprived of his licence on the ground that the place where he was trading was situated in the chief street of the Township and that it was suitable only for a European trader. The owner applied for a licence with reference to another building immediately near an Indian store and owned by the owner of that store. That application, too, has been refused on the same ground. I might be permitted to mention that there are other Indian stores in the same street.

In Port Shepstone, two large Indian merchants have lately sold their businesses to two other Indians. These applied for licences and the Licensing Officer refused them. An appeal was taken to the Licensing Board with no better result, and the parties are now considering what to do.

It is humbly submitted that it is a serious matter when one man, because he is an Indian, cannot sell his business to another, also because that other is an Indian, for the refusal to grant the licence in such cases is tantamount to forbidding a purchase and sale unless it were done in an underhand manner.

An Indian, who had sold out his premises to the Dundee Coal Co. and had therefore entirely wound up his business, came down to Durban and purchased a previously licensed store on the Umgeni Road and applied for a licence for himself. The Licensing Officer, after the man had made several applications and after he had gone to the expense of engaging an eminent counsel in Durban at a heavy cost, granted the licence and then only for a limited period in order to enable the applicant to sell out the goods he had already bought in anticipation of receiving a licence.

These are some of the cases where vested interests have been prejudicially affected. But cases where thoroughly good men with capital have been refused licences because they were Indians who did not hold a licence to trade the previous year are too numerous to mention.

The Indians have noticed with satisfaction and gratitude the fact that the Government are anxious to see that the vested Indian

interests are not injured, in that they have addressed letters to the several Town Councils and Town Boards to the effect that unless they took care not to touch vested interests, legislation giving Indians right of appeal to the Supreme Court might become necessary. I am, however, to point out that such an appeal to the Boards may not have a permanent effect, if at all, and would still leave the Indian traders in a state of dreadful suspense. The alteration suggested by the letter above referred to would indeed, in my humble opinion, be only a small measure of justice, but extremely desirable in the interests of the Indian community, already settled in the Colony.

I am to request that the contents of this letter may be communicated to the Right Honourable the Secretary of State for the Colonies.

I have, etc.,
M. K. GANDHI

Colonial Office Records : Memorials and Petitions, 1899

46. THE INDIAN QUESTION IN SOUTH AFRICA

DURBAN,
July 12 [1899]

I dealt in my last letter[1] with the Indian question as it stands in the now greatly agitated South African Republic, which is the centre of attraction to the whole world. I dealt with the plague panic in South Africa in my first letter.[2] I propose now to discuss a phase of the Indian question in Natal, as affecting the education of the Indian children, which would show how far prejudice has been allowed to go.

At present there are about twenty-five schools expressly meant for the education of the children of indentured Indians, attended by nearly 2,000 pupils. Most of these schools are managed by the missionaries, chiefly representing the Church of England Mission superintended, as to its Indian section, by the Rev. Dr. Booth, a venerable gentleman very much loved by the Christian portion of the Indian community. These schools receive from the Government a grant by no means adequate for

[1] *Vide* "Indians in the Transvaal", pp. 79-83.
[2] *Vide* pp. 66-70.

their support. The buildings, as a rule, are of the most primitive type—a few corrugated iron sheets and a few planks of wood composing the material. They are wretchedly constructed and, in country places, are devoid even of flooring, mother earth serving the purpose. In one instance, a stable has been turned into a school. The pupils, being drawn from the poorest Indians, are naturally not well clad. The tuition imparted is in keeping with the surroundings, the schoolmaster drawing from £2 to £4 a month—in some instances more. The cost of living—I mean decent living—for a person occupying such a position would be, in the case of a careful bachelor, not less than £8. Labour for an Indian affords a better opportunity than the vocation of a teacher; naturally, therefore, the teachers are of a very poor type, though under the circumstances they do their best. The respectable portion, then, of the Indian community, such as clerks, interpreters, storekeepers and others, do not care to send their children to these schools. Hitherto, such as would pay the high fees that are levied here have been able, though by no means without much difficulty, to enter the general public primary schools. An agitation was started some few years ago to prevent any Indian children from gaining entrance into public schools unless they had exhausted the resources of their own schools; and thus an attempt was made to foist the above described Indian schools for the poorest children on the respectable Indians. Since then the difficulties in the way of respectable Indian parents sending their children to the Government schools have been increasing. Now, it is the head master who would put difficulties in their way, and now it is the Government. Latterly, very few Indian children, hardly half a dozen, have been able to enter the public primary schools, and that after undergoing immense difficulties.

The present Government, however, have made a big bid for popularity, and have declared their intention of entirely shutting these schools against the Indian children. There is a humorous, if it were not painful, side to this eruption of racial feeling. If an Indian parent has six children, of whom five have received their education in the primary schools, he cannot now give the same education to the last child. If there is a parent ready to disown his Indian nationality, he can send his child to the public schools, thus, unfortunately for the Government, crushing their argument to the effect that the admission of the coloured children leads to ill-feeling and uproar. A child born of prostitution, where one parent is European, is admissible. It is the full-blooded Indian

alone who has the ban of excommunication stamped upon him. The Government seem to have shrunk from their own unjust action, and as a sop to their conscience, and in order to satisfy the claim of some of the Indian applicants for the admission of their children to the public primary schools, have opened what they are pleased to call a higher grade school for Indian children, which is supposed to be, in all respects, equal to the above schools. The applicants can hardly be said to have been satisfied; and while the higher grade school is undoubtedly far superior to the wretched tin shanties referred to above, and is manned by a staff of European teachers, it can in no way be said to be equal to the other primary schools in every respect. This school by no means provides for all standards as yet, and the girls are entirely overlooked. Even if it were accepted as a compromise, it leaves many requirements yet unsatisfied. There is absolutely no provision for the Indians to go beyond the three R's! All attempts to gain admission into the high schools of the Colony have so far failed, the Government absolutely declining to entertain any such application.

The prospect is indeed very gloomy, unless aid comes in time from Downing Street or Fort William. It is impossible to withhold one's sympathy from parents who are ready to give their whole fortune for a thorough training to their children, and yet who are simply unable to do so owing to the Government restrictions. One Mr. Godfrey, a respected Indian Mission schoolmaster, is a case in point. Though his own education is not very liberal, he is most anxious to bring up his children in the best possible way. All his children but one have been educated in the Government schools. He sent his eldest son to Calcutta, gave him a University training there, and has now sent him to Glasgow to study medicine. His second son is the first Indian to have passed the competitive examination for the Civil Service of the Colony. He is unable to send his youngest daughter to the Government Primary School, and, in spite of his efforts, was prevented from getting his third son, a promising youth, admitted to the Durban High School. It may be stated that this family has been living in the European style. All the children have been brought up from their infancy to speak English, and naturally they speak it very well. Why this child should be shut out when all his other children have been allowed to enter the Government School passes comprehension. This instance shows, more vividly than anything else could, how difficult the position of the Indians inferior to Mr. Godfrey must be.

The Natal Parliament, dubbed by Mr. Rhodes[1] "the parochial assembly" in South Africa, is now sitting, and the Attorney-General, who is also Minister of Education and who is supposed to be a gentleman with a conscience, and who is undoubtedly an otherwise esteemed gentleman, has been telling the inquisitive members of the Natal Parliament that his Government have been the first to close the doors of the Government schools against the Indians. Therefore, a simple appeal to him to do justice by, at any rate, leaving the Government schools free to the children of those parents that have hitherto been allowed to educate their children there, has absolutely nó effect, and all for the sake of a few miserable votes—for that is what is at the bottom of all this unrighteous and unreasoning opposition to the Indians. The ministers do not—dare not—do what is right, lest their doing so may jeopardize their position at the next general election. When responsible Government was granted to Natal, those who clamoured for it were loud in their protestations that full justice would be done to those who did not possess the franchise. After the Colony became a self-governing Colony, Sir John Robinson, the first Prime Minister under the new form of government, in introducing the Indian Disfranchising Bill, said that the Colony—that is to say, in his estimation, the Europeans—were fully aware of the increased responsibilities that naturally went with the increased freedom they enjoyed, and their still further increased responsibilities in that they were depriving the Indians of the franchise they possessed. The unfortunate Indians, it would appear, almost prophetically said that talk of that description was meant for consumption in the Colonial Office on Downing Street, and that it deceived nobody in Natal. They said that the disfranchisement was merely the thin end of the wedge and that, if the Home Government yielded to the pressure from the Natal Government, it would practically mean ruin for the Indians. All this has come only too true. The poor Indians have known no rest since responsible Government has been granted. One after another, the elementary rights of British citizenship have been snatched away from them; and, if Mr. Chamberlain and Lord Curzon are not wide awake, the British Indians in Natal will, one of these days, find themselves stripped of all that they have been taught to believe they possess as subjects of the Queen-Empress.

The dissatisfaction that the latest move on the part of the Natal Government in the matter of education has caused amongst

[1] Cecil Rhodes, twice Premier of Cape Colony

the Indian converts to Christianity, of whom there is a large number, is indeed very intense. They, of all others, know fully, and have been taught to understand, the advantages of Western culture. They are taught by their religious teachers the doctrine of equality. They are told, Sunday after Sunday, that their Great Master knew no distinction between a Jew and a Gentile, a European or an Asiatic. Small wonder, then, if they feel keenly the disabilities that are sought to be imposed upon them in the educational line. It is difficult to say where the present agitation against the Indians will end. The wish of the white Colonists may perhaps fairly be said to be embodied in the following extracts from the speeches of well-known members of the Natal Parliament:

> Mr. Palmer thought it undesirable that so large an increase should be made in the money voted for the education of Indians, who were thus being fitted to supplant the children of white Colonists.

Mr. Payn moved that the item be struck out, remarking that:

> Indians who came here had the right of leaving the Colony. There were thirteen blacks (?) to every white in Natal, and yet Parliament was voting money to educate the blacks to oust Europeans. Some people were doing worse than that—selling land to blacks which would be foundation of the strength of the coloured people here in the future. (*Natal Mercury*, June 8, 1899)

It need not take a long time to know on which side justice lies. Sir Harry H. Johnston, whose name is well known to your readers, rightly says in his recent book on the "Colonization of Africa":

> On the other hand, from the Imperial point of view—from what I call the policy of the black, white and yellow—it seems unjust that Her Majesty's Indian subjects should not be allowed to circulate as freely as those of her lieges who can claim European descent. (p. 177)

And, after all, is it not the Imperial point of view alone which is worth considering, and before which every other view must bend? It is to be hoped that the public in India will be sufficiently alive to the importance of the question, which in its widest aspects affects not only the fifty thousand Indians in Natal, but each one of the three hundred millions who may care to go out of India in search of livelihood.

The Times of India, 19-8-1899

47. LETTER TO COLONIAL SECRETARY, NATAL

DURBAN,
July 13, 1899

SIR,

With reference to my letter[1] dated the 6th instant regarding the Dealers' Licenses Act, I wish to correct an error that has crept therein.

I find that only one case of hardship of the description mentioned in my letter has happened in Port Shepstone. The other case never went to the Licensing Officer, as the Attorney who had charge of both cases, owing to the unfortunate result of the first case, advised his other client not to go on with his application. Steps are now being taken to make the other application also.

I have, etc.,
M. K. GANDHI

Colonial Office Records : Memorials and Petitions, 1899

48. LETTER TO BRITISH AGENT

JOHANNESBURG,
July 21, 1899[2]

TO
HIS HONOUR THE BRITISH AGENT
PRETORIA

SIR,

On behalf of the Indian community in Johannesburg, I beg to lay the following before Your Honour:

1. At the interview you were graciously pleased to grant the deputation, consisting of Mr. Hajee Habib Hajee Dada, Mr. H. O. Ally, Mr. Abdul Rahman and myself on Thursday last (July 20, 1899), you informed the deputation that Her Majesty's Government would not at present interfere as regards the general question, viz., the whole status of the British Indians in the

[1] *Vide* pp. 94-6.
[2] The letter was completed and despatched after July 22, 1899.

Transvaal; that the Indians must abide by Law 3 of 1885, as amended in 1886, but that Her Majesty's Government would be prepared to interfere at any time with reference to special cases, such as the sites of Locations, cases of long leases, etc.

2. I am to say that Her Majesty's Government having accepted the above law, there is no desire on the part of the Indian community not to abide by the law, so long as it remains on the Statute Book of the Republic.

3. But I am to point out, as it was done at the above interview, with due deference, that as the Locations are to be pointed out, as the law states, for the purposes of sanitation, the necessity on that ground ought to be clearly established. And if in that case the question be that of each Indian having to prove that he has been living in accordance with the sanitary regulations, and that his presence in town is in no way a danger to the community generally from a sanitary point of view, the matter even then seems to be extremely simple. If Her Majesty's Government succeed in establishing the point that the Transvaal Government would not remove those Indians who produce satisfactory evidence as to their sanitary condition, I venture to submit that the rest of the burden could be discharged by parties affected, without having to trouble Her Majesty's Government.

4. In Johannesburg and the suburbs, apart from the present Indian Location, there are, it appears, about 125 British Indian storekeepers and about 4,000 hawkers, the storekeepers possessing unliquidated assets collectively estimated at about £375,000, and the hawkers about £400,000.

5. Most of the storekeepers possess leases, with the exception of three or four. However, none of them has availed of the Government Notice calling upon them to register their leases.

6. The people were and are in a state of terror; they do not know what to do. The cablegram appearing in the newspapers to the effect that Her Majesty's Government were still in communication with the Transvaal Government, and that Her Majesty's High Commissioner was instructed to take up the matter at the Bloemfontein Conference[1] served as an effective check against the storekeepers registering their leases.

7. The Indians residing in Johannesburg cannot, even if they wanted, remove to the Location situated in the Brickfields.

[1] The High Commissioner had been asked to suggest to the South African Government the possibility of creating an Asiatic quarter within each town. *Vide* also footnote 2, p. 72.

8. It contains, according to the report of the Inspector of Natives and Traffic in Johannesburg, dated the 10th January, 1896, ninety-six stands, each 30 by 50 ft. The Location was even at that date, as the Inspector states, overcrowded, containing a population of 3,300. The state of the Location at present, from that point of view, is probably worse than it was in 1898.

9. The Government of the South African Republic, it is understood, intend to remove the Indians in town to a place called Waterval, 4¾ miles distant from Johannesburg Market Square, the central part of Johannesburg. Surveyor's diagram and medical report thereon are hereto attached.[1] The diagram shows the distance also from the end of the inhabited portion of the town.

10. It is submitted that to ask the Indians to remove to that place would be practically asking them to leave the Transvaal. The storekeepers could never do any business there. The hawkers could not be expected to walk with their wares from and to that place every day.

11. The fact that there are no sanitary arrangements there, no water, no police protection and that the place is situated in the vicinity of the place where the refuse of the town and night-soil are deposited, are minor considerations in comparison with the fact that it is situated at such a great distance as 4¾ miles with no population of any kind within practically a two-mile radius.

12. The Government appear to have entered into an agreement with Herman Tobiansky, of Johannesburg, in connection with this site, as will appear from copy thereof hereto annexed.[2]

13. The lease bristles with provisions extremely harmful to the persons that might be located on the ground leased, but it is unnecessary to dilate thereon as the site itself is so manifestly unsuitable for the purposes mentioned.

14. It appears that the Kaffirs too, who are most of them labourers and not affected from a commercial point of view, have lodged their protest against their removal to the above site.

15. It has often been submitted that the removal of the Indian storekeepers to Locations, wherever they may be, would mean almost certain ruin for them.

16. It is respectfully submitted that if Her Majesty's Government could not see their way to move in the direction humbly suggested in paragraph 3 hereof, the least that would prevent the entire ruin of the Indian storekeepers would be to leave the

[1] These documents are not available.
[2] This is not available.

present storekeepers untouched. The hawkers could, if absolutely necessary, be removed to a Location if it is suitably situated and otherwise not objectionable. Exceptional sanitary provisions might, if necessary, be made regarding the storekeepers.

17. If, however, relief of the nature above indicated could not be secured, I am humbly to submit that a spot in the business portion of the town set apart for the Indian storekeepers for their business purposes, subject to such rent and other regulations that may be necessary, might enable a large number of the traders to earn their livelihood; but such an arrangement would not by any means afford relief to the few large Indian merchants.

18. While the matter is in course of settlement, the extension of time enabling the Indians to obtain temporary licences, or an understanding that they will not be interfered with in pursuit of their trade in the mean time, is very necessary by way of immediate temporary relief.

19. It may be stated that the Transvaal Government seem to have granted the above relief in Johannesburg. I am further to state that the Government of the Republic has served the following notice on the owners of the stands in the "Coolie Location", dated the 23rd May, 1899:

> You are hereby warned that, in accordance with the Government Notice No. 208, appearing in the *Staats Courant* of the 26th April, 1899. only you and your family will be allowed to reside on your Stand after June 30th of the present year.
>
> (Signed) A. SMITHERS

20. It appears that a protest with reference to this notice has already been lodged with His Honour the British Vice-Consul. The intention underlying the notice is obvious. It is submitted that in Law 3 of 1885 and its amendment, there is absolutely no sanction for any such restriction.

21. It is hoped that the Transvaal Government have no right and that they will not insist upon disturbing the rights of the present population in the Indian Location.

22. But if the town population must be partly or wholly removed to a Location, it is clear that another site will become necessary.

23. The Town Council, with the approval of the Transvaal Government, have adopted certain regulations regarding Locations, which go far beyond the scope of Law 3 of 1885, and its amendment. Copy of the regulations is hereto attached marked D.[1]

[1] This is not available.

24. It is much feared that the Transvaal Government would apply these regulations to any new site they may select for the removal of the Indians residing in the town. Indeed, the Annexure C[1] shows this quite clearly.

25. Any scheme, therefore, for the removal of the Indians, whether hawkers or others, in order to be at all satisfactory, should give the Indians the same proprietary rights in the Locations as are granted to the other communities in town generally.

26. There is no prohibition in the law above referred to against Indians owning land in Locations or dealing with it as they choose. Indeed, hawkers could not be expected to buy land and erect their own buildings in the Locations. And it is respectfully submitted it would be a great injustice if the land in Indian Locations or the right to build thereon is given to any but Indians.

27. In conclusion, it is to be hoped that before accepting any scheme for a Location or a general settlement, the responsible Indians will, if possible, be taken into confidence so as to enable them to make suggestions if necessary.

28. Now that there is a prospect of Indians generally being shifted to Locations, will it be too much to expect a change of official name "Coolie Location" for "Indian Location"?

29. I may state that I had the honour to wait upon His Honour the State Secretary on Saturday morning[2] not in my representative capacity, but in my individual capacity, and while telling him that with regard to their grievances they must in future, as they had done in the past, lay them before their own Government, humbly pleaded for magnanimity in view of the fact that the Indians possessed great antecedents, were, no matter where they went, most law-abiding, and instead of being in any way a harm to the Burghers of the State, they were rendering a humble but useful service to them in their various pursuits. The State Secretary was good enough to extend to me the utmost courtesy, and granted me a long and patient hearing.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

From a photostat of a printed copy : S.N. 3245

[1] This is not available.

[2] According to a report in *The Standard and Diggers' News*, 24-7-1899, this interview took place on Saturday, July 15.

49. INTERVIEW TO "THE STAR"

[Before *July 27, 1899*]

Questioned by *The Star*,[1] Mr. Gandhi stated that in Pretoria the Indians are permitted by the State Attorney to trade without licences until water is laid on. Now that this work has been completed, the authorities will insis on the Asiatics removing into the Location. In Johannesburg, the officials do not, for the present, intend to take active measures. The Waterval Location, from every point of view, is entirely unsuited. It was out of the question that hawkers should walk such a distance morning and night; and, as regards storekeepers, transfer of businesses meant that they might as well give up trading altogether, for, with the exception of other coloured residents, there were no people within a radius of two miles.

As yet there were no sanitary arrangements, while the place was in proximity to the depositing site for refuse. The Indians were prepared to show that on sanitary grounds there was no justification for their removal, and, if there were cases of insanitation, these could always be dealt with under regulations. It seems probable the main reason the authorities have postponed action is that not a few of the stands and buildings belong to Indians, and those men cannot be dispossessed. Mr. Gandhi saw no reason why a satisfactory arrangement could not be come to between the Imperial and the Transvaal Governments.

The Natal Mercury, 27-7-1899

50. PETITION TO GOVERNOR OF NATAL

DURBAN,
July 31, 1899

TO
HIS EXCELLENCY THE GOVERNOR OF NATAL

SIR,

We sent you last January a copy of the memorial[2] respecting the Dealers' Licenses Act of Natal addressed to the Right Honourable the Secretary of State for the Colonies. From the following

[1] The report of the interview as published in *The Star* is not available.
[2] *Vide* pp. 26-56.

it would appear that Mr. Chamberlain is in correspondence with the Natal Government regarding the measure:

PIETERMARITZBURG,
June 13, 1899

With further reference to your letter[1] of the 11th January last, addressed to His Excellency the Governor, containing a Memorial signed by certain Indians on the subject of the Dealers' Licenses Act No. 18, 1897, I have the honour to inform you that the Secretary of State for the Colonies is in communication with this Government with reference to the petitioners' complaint.

The following appears in *The Natal Witness*, dated 4th July, 1899, with reference to the letter addressed by the Government to the Ladysmith Local Board:

A letter was read from the Principal Under-Secretary advising the Board to exercise caution in refusing Indian licences so as not to interfere with vested interests, as unless this was done the Government would be obliged to introduce legislation giving Indians right of appeal from the decisions of Local Boards to the Supreme Court. But if care was exercised in refusing Indian licences, such legislation need not be introduced.

It was decided to inform the Government that the matter should have full consideration and the Town Clerk was instructed to lay the matter before the Board.

It is presumed that a similar communication has been addressed to each of the Local Boards or Town Councils in the Colony.

It is gratifying to note that Mr. Chamberlain is alive to the danger that besets the Indians in the Colony if the strong arm of protection from the Imperial Government is not stretched forth in their behalf, and that the Natal Government is evidently anxious in some way or other to meet Mr. Chamberlain. But at the same time it is extremely desirable that the real bearing of the above letter should be understood, and that the Colonial Office, or the sympathizers, should not be lulled into the belief that the letter in any way solves the difficulty or removes the anxiety that is preying upon the Indian mind in Natal. The Town Councils and the Local Boards have got certain powers under the Act, and they are entitled to use those powers in the way it pleases them without let or hindrance. Strictly speaking, the letter is unconstitutional, and at best a gratuitous piece of advice which the Local Boards or the Town Councils are in no way bound to follow. Indeed, there is no knowing that it will

[1] *Vide* "Letter to Governor of Natal", p. 56.

not be resented by some at least of the more forward municipalities as an unwarranted interference by the Natal Government. Be that however as it may, we are prepared to assume, for the sake of argument, that the municipalities concerned may, *for a time*, use their powers in such a manner as not to appear to be affecting "vested interests". They may take the hint given by *The Times of Natal* referred to in the memorial, and perform the process of "gradual weeding out" so as not to cause a commotion. Certain it is that the relief, if any is afforded by the letter, will be merely temporary, and may in the end aggravate the disease instead of removing it. What is needed, and what is also the least that ought to be given is, in our humble opinion, the alteration in the Act suggested by the Government, viz., the giving of the right of appeal to the Supreme Court against the decisions of the municipalities. For, it is the Act that is really bad and un-British. The powers given thereby are arbitrary, and a gross encroachment upon the elementary rights of citizens in the British territories. The municipalities, so far as we know, never asked for such powers; they certainly asked for discretionary powers, but the Act goes much further: it constitutes them their own Supreme Court.

With a view then to inform you as to what is going on here with reference to the Dealers' Licenses Act, and to show how far the fears expressed in the memorial referred to above have been realized, we have ventured to approach you in the matter. The following letters have been addressed to the Natal Government on our behalf which speak for themselves:

> With further reference to your letter dated 13th June, in view of the correspondence that is going on between the Imperial and Local Governments, it may not be amiss to show how far the fears expressed in "the Dealers' Licenses Memorial" have been realized. I have not been able to collect accurate information from all the places, but so far as the information has been received it is of an extremely discouraging nature. In Dundee the licences were first refused and on an appeal they were granted under certain qualifications endorsed on the back of the licences, viz., "This licence is granted upon distinct understanding that it will not be renewed in the present buildings. By order of the Board, (Sd). Fras. I. Birkett, Licensing Officer and Town Clerk." In answer to an enquiry, several of the licence-holders said that they thought the licences were so granted because their stores were wood-and-iron buildings. It appears Messrs Handley & Sons and Harvey Greenacre & Co., in Dundee, have brick fronts but the rest of their stores is wood-and-iron. Messrs Taylor & Fowler, Merchants of Dundee, have their stores entirely of wood-and-iron. In Newcastle the licences

refused last year have been refused this year also. The Town Council were good enough to give some time to two of the applicants in order to enable them to sell off their stock, but this could hardly act as a remedy against the loss occasioned to the parties concerned. One of them, Abdool Rassool, had a large business and owned a wood-and-iron store. It was pointed out to the Council that the building which represented to him a value of £150 would fetch practically nothing, if it had to be sold.

In Verulam, I understand, two applicants who had a licence last year have been refused their licences this year, and the men as well as their servants are now comparatively reduced to poverty.

In Ladysmith, one M. C. Amla, who has been trading there for several years, has been deprived of his licence on the ground that the place where he was trading was situated in the chief street of the township and that it was suitable only for a European trader. The owner applied for a licence with reference to another building immediately near an Indian store and owned by the owner of that store. That application too has been refused on the same ground. I might be permitted to mention that there are other Indian stores in the same street.

In Port Shepstone, two large Indian Merchants have lately sold their businesses to two other Indians. These applied for licences and the Licensing Officer refused them. An Appeal was taken to the Licensing Board with no better result, and the parties are now considering what to do.

It is humbly submitted that it is a serious matter when one man, because he is an Indian, cannot sell his business to another, also because that other is an Indian, for the refusal to grant the licence in such cases is tantamount to forbidding a purchase and sale unless it were done in an underhand manner.

An Indian who had sold out his premises to Dundee Coal Co., and had therefore entirely wound up his business, came down to Durban, and purchased a previously licensed store on the Umgeni Road and applied for a licence for himself. The Licensing Officer, after the man had made several applications and after he went to the expense of engaging an eminent counsel in Durban at a heavy cost, granted the licence and then only for a limited period in order to enable the applicant to sell out the goods he had already bought in anticipation of receiving licence.

These are some of the cases where vested interests have been prejudicially affected. But, cases where thoroughly good men with capital have been refused licences because they were Indians who did not hold a licence to trade the previous year are too numerous to mention.

The Indians have noticed with satisfaction and gratitude the fact that the Government are anxious to see that the vested Indian interests are not injured, in that they have addressed letters to the several Town

Councils and Town Boards to the effect that unless they took care not to touch vested interests, legislation giving Indians right of appeal to the Supreme Court might become necessary. I am, however, to point out that such an appeal to the Boards may not have a permanent effect if at all, and would still leave the Indian traders in a state of dreadful suspense. The alternative suggested by the letter above referred to would indeed, in my humble opinion, be only a small measure of justice but extremely desirable in the interests of the Indian community already settled in the Colony.

I am to request that the contents of this letter may be communicated to the Right Honourable the Secretary of State for the Colonies.

Second letter:

With reference to my letter dated 6th instant regarding Dealers' Licenses Act, I wish to correct an error that has crept therein.

I find that only one case of the hardship of the description mentioned in my letter has happened in Port Shepstone. The other case never went to the Licensing Officer as the attorney, who had charge of both the cases, owing to the unfortunate result of the first case, advised the other client not to go on with his application. Steps are now being taken to make the other application also.

With reference to Port Shepstone, it may be mentioned that the refusal to grant the licence has followed close upon a question asked by a member of the Natal Assembly from that district, as to whether in such districts licences to Indians were granted indiscriminately. The Government replied saying that they had informed the magistrates in such districts, who are also the Licensing Officers, to the effect that they have discretionary powers. The Magistrate at Port Shepstone evidently took the hint, and refused the licence. This happened some days before the letter addressed to the Ladysmith Local Board above referred to appeared in *The Natal Witness*.

It is hardly necessary to state that the cases that come before the authorities in some way or other are not the only cases of hardship. The Act has a terribly deterrent effect and many poor traders simply from hopelessness refrain from applying for a renewal of their licences, and many more from taking their cases before the appellate body, viz., a municipality or a Licensing Board, in the event of being rejected by the Licensing Officer. The second case in Port Shepstone is an instance in point.

There is no grievance more keenly felt than the one under the Act; for, it affects the bread and butter of hundreds of industrious and peaceful Indian traders from the lowest to the highest. There is no certainty that because the best of us have received a

licence this year we would receive it the next also. In a state of such insecurity business naturally becomes paralysed and uneasiness takes hold of our minds. The sole hope lies in something being done by and through the Imperial Government.

We venture to draw your attention to the following leading articles on this matter in *The Times of India*:

> We have dealt with the question of the rights of Indians in British Africa so often that there is no need to repeat upon this occasion the arguments we have frequently adduced. . . . But while the Colonists gladly availed themselves of the services of Indians as hewers of wood and drawers of water, they have constantly attempted to deprive them of those rights of free competition in trade which should be their inalienable privilege as British subjects. They decline to compete with the Indian traders in the open market, and endeavour to foster Protection in its most contemptible form by hedging them round with vexatious restrictions. . . . It is in the highest degree humiliating to know that the traditions of British impartiality to men of all races and creeds have been so far departed from in South Africa that British subjects are being compelled to seek sanctuary upon Portuguese soil from the tyrannous oppression of men with whom they are supposed to enjoy common rights under the British Crown. The injustice suffered by Indian traders in Africa will never be removed until the Home Government decides to accord to them the protection they have a right to expect. (April 15, 1899, weekly edition)
>
> To the Englishman in India the spectacle of Indian traders being denied entrance and domicile anywhere under the British flag is irritating and repugnant, inasmuch as it gives his fellow-subject unquestionable reason for asking what are the advantages of the citizenship that he enjoys. To the native the spectacle must be a temptation to think the British flag is a meaningless symbol, for under it one British subject may vex and constrain another without leaving the latter any redress. We, who speak for Englishmen in India, would give much if home opinion could be aroused to that aspect of the case of the Indians in South Africa. The equities of the case leave no room for dispute even on a Durban platform. But there is a political and sentimental side to it, too, which could be made to seize the popular imagination in England if people could once be got to think of so many thousand honest and well-behaved subjects of the Queen on their removal from one part of the Empire to another, being denied the most ordinary rights of citizenship. . . . Is there no one in the House of Commons who can tell this tale of shame and injustice with some hope of getting redress for the victims? . . . (April 22, 1899, weekly edition)

We hardly think we need add more. We trust that as in

the past you will be pleased to exert yourself in our behalf, and bring the present painful position to speedy termination.

We remain,
Sir,
Your obedient servants,
ABDUL CAADIR
(M. C. CAMROODEEN & CO.)
AND THIRTY OTHERS

From a photostat of a printed copy : S.N. 3252

51. TELEGRAM TO COLONIAL SECRETARY, NATAL

September 9, 1899

TO
HONOURABLE COLONIAL SECRETARY
PIETERMARITZBURG

THANKS FOR LETTER[1]. ANXIOUS ENQUIRIES MADE DAILY. URGENT RELIEF NECESSARY.[2] HEAR BRITISH AGENT HAS ALSO APPROACHED GOVERNMENT. RESPECTFULLY SUBMIT THERE CAN BE NO HARM IN LETTING INDIANS IN AS SUGGESTED. RELAXATION AFTER HOSTILITIES[3] MAY BE TOO LATE. IMPOSSIBLE FOR INDIANS CALMLY WATCH EVENTS WHEN BEST MEN ARE LEAVING RAND. WORDS CANNOT DESCRIBE PAIN CAUSED BY FACT THAT BRITISH SUBJECTS CANNOT FLY FROM DANGER TO BRITISH SOIL.

GANDHI

From a photostat of the office copy : S.N. 3288

52. A CIRCULAR LETTER

14 MERCURY LANE,
DURBAN,
September 16, 1899

SIR,

I enclose herewith copy of the communication[4] sent to His Honour the British Agent at Pretoria on behalf of the British

[1] This is not available.
[2] Relaxation was sought in the administration of the Immigration Restriction Act which regulated the entry of Indians from the Transvaal into Natal.
[3] The Boer War was then imminent.
[4] *Vide* pp. 101-5.

Indians in the Transvaal. The tension is hourly increasing and by the time this is in your hands it is difficult to say what will happen. But lest the Indian question might be kept in the background in any compromise that may be arrived at between our Government and the Transvaal, it has been thought advisable to keep you informed of the position affecting the British Indians. The accompanying[1] would show how the Transvaal Government have gone beyond the Law 3 of 1885 in sanctioning the regulations of the Johannesburg Town Council. There is absolutely no warrant for such regulations or for preventing the Indians from owning land in the Locations. The chief point, however, is that urged in paragraph 3 of the letter to the British Agent, namely, sanitary reasons must be established in terms of the law for removing the Indians to Locations. Here there is ample ground for intervention.

I remain,
Yours obediently,
M. K. GANDHI

From a photostat of the original : S.N. 3295a

53. COMMENTS

[*September 16, 1899*][2]

The Transvaal is being cleared of its population as fast as possible, no less than 26,000 persons having left during the last few days. The prominent members of the Uitlander Council, the Editors of the English newspapers in Johannesburg have also left. The largest houses in Johannesburg have suspended their businesses and sent away their clerks and books beyond the border. If the Indians think of leaving the Transvaal at such a time, it cannot be wondered at. They naturally cannot go to Delagoa Bay, because of its malarial climate, nor could they go to the Cape in any large numbers because of the great distance and the consequent heavy charges and the small Indian population there. There are no public homes for them. They have to depend upon the help of private friends whom they can find only in Natal. They have approached the Natal Government with a view to obtain suspension of the Immigration Restriction Act during the crisis. The reply received during the week was that the Government had no power

[1] *Vide* the following item.
[2] This was sent along with the preceding item.

to do so under the Act. This is hardly correct, and in reply to a further communication they say, "in the enforcement or non-enforcement of the Immigration Restriction Act, the Government will be influenced by considerations of humanity, and will not seek in the event of hostilities breaking out to exercise its powers unreasonably or oppressively." This is good so far as it goes, but it does not give the relief that is required. To leave after the actual hostilities commence may be impossible. The Government have been further approached, and it remains to be seen what they will do. I write this to show how awful our position is in South Africa. To find that British subjects cannot find shelter from danger on a British soil is truly heart-rending. The Natal Government would seem to have done their best, if they could, to shake the faith of the poor Indians in British justice, and in the enchanting power of the phrase "British subjects". Happily, they do not represent the whole of the British Empire. Strange as it may appear, a cablegram today announces that, in reply to repeated respresentations from Natal, the Imperial Government have ordered the despatch of 10,000 troops from India for the protection of Natal which refuses to give temporary shelter to the Indians from the Transvaal, to guard against which, the above troops are intended. Comment is superfluous.

From a photostat of a printed copy : S.N. 3299

54. *DRAFT REPORT OF NATAL INDIAN CONGRESS*[1]

[After *October 11, 1899*]

The first report was published in August of 1895,[2] one year after the establishment of the Congress. Owing to various causes, it has not been possible to prepare another report during the interval that has elapsed.

Income and Expenditure

From the memo[3] annexed hereto, the members will be able to see at a glance what has been spent during the three years. It will be noticed that the chief items were incurred during the

[1] The draft which contains several corrections in Gandhiji's hand was written in instalments at different times and completed after the outbreak of the Boer War on October 11, 1899; *vide* p. 131.

[2] *Vide* Vol. I, pp. 245-51.

[3] This is not available.

demonstration crisis[1], the memorial[2] alone costing close on £100. If the expenditure has, on an average, been larger during the years under review than during 1894-95, the income, too, has considerably increased. One good result, and perhaps the most important, of the publication of the first report was that the Congress at once decided to make the annual subscriptions payable for the whole year in advance and the cumbrous method of collecting the subscriptions every month was given up. As a result, the subscriptions for 1895-96 were collected at once, and the activity shown in the year 1896 by some of the workers was really marvellous. They not only gave their time, but those that were able came forward with their carriages to go about collecting. The visit to Stanger in this respect was the most memorable. The President, Mr. Abdul Karim Haji Adam, Mr. Abdul Kadir, Mr. Dowd Mahomed, Mr. Rustomji, Mr. Hassam Juma, Mr. Madanjit, Mr. Paruk, Mr. Hoosein Meeran and Mr. Kathrada, including the Hon. Secretary, went out to Verulam, Tongaat, Umhlali, Stanger and the district beyond, in the carriages placed at the disposal of the workers by the President, by Mr. Abdul Kadir and Mr. Dowd Mahomed. At Tongaat, the members stayed at the store of Mr. Kasim Bhan till midnight, not caring whether they had their food or not, in order to induce that gentleman to become a member, but he was obstinate and the workers had to retire. But they did so only to put forth redoubled efforts the next morning. One of them rose up very early and without having even a drop of tea invaded Mr. Bhan's store, and the members sat there without having anything to eat till noon and left the store only after Mr. Bhan became a member and gave his subscription. They then went to the next station. On the way, Mr. Hassam Juma was thrown off his horse and was perfectly insensible for a few seconds. It was suggested that all should return as the road was bad and evening had set in. But Mr. Hassam Juma would not listen and the journey was kept up. At Stanger all these efforts were crowned with success. Mr. Mohomed Essopji, now unfortunately deceased, saw the zeal of the workers at Tongaat and became himself enthused, so much so that, although he was on his way to Durban on an important business, [he] chose to accompany the workers to Stanger where

[1] The reference is to the anti-Indian demonstration on the landing of Gandhiji and his fellow-passengers in Durban on January 13, 1897; *vide* Vol. II, p. 127.

[2] ibid., pp. 140-229

he entertained them all and was instrumental in securing for the Congress, in Stanger alone, the sum of over £50.

Many such instances can be given of the splendid devotion of the members under the leadership of our late President, Mr. Abdul Karim Haji Adam. The visit to Newlands through an uphill tract without any well laid-out roads, the journey to the Buttery place at night time through the fields without a guide, the journey to Isipingo, the pilgrimage to the store of Mr. Essopji Umar, where the members went at 5 o'clock in the evening and remained till 11 o'clock without food—all these deserve a chapter each. Suffice it, however, to say that the energy, devotion and single-mindedness shown for the cause by the workers during that time have seldom, if ever, been equalled. The same, however, unfortunately for us, cannot be said now. The fiery enthusiasm seems to have died out. Causes for such a state of things are many, some of which are such that they cannot be controlled by the members. But it is painful to have to record that much that might have been done has not been done by them; and the confident hope that was entertained now two years ago that we would by this time have a fund amounting to £5,000 has, for the present, become a dream. The Congress has to discharge a liability of £300, perhaps £400, and it is difficult to say how the monies are to be got in. The subscriptions at Maritzburg, Charlestown, Newcastle, Verulam, Tongaat, Stanger and the other places have become overdue, and nothing has yet been done to call them in. While, at one time, the number of members reached the respectable total of nearly 300, strictly speaking, the number now is only 37! That is to say, that there are only 37 who have paid up their subscriptions up to date. It is time the members woke up from their long sleep, or else it might be too late.

The Congress Works in the Month of October 1895

The Transvaal Volksraad passed a resolution in October 1895 exempting British subjects from compulsory military service with the proviso that Indians were not included in the term "British Subjects".[1] The Congress, although, stricty speaking, we are not supposed to actively interfere with the affairs of our fellow-brothers in the South African Republic, with their concurrence, took up the question. A cablegram was drafted and was forwarded

[1] *Vide* Vol. I, p. 264.

from the Transvaal to our sympathizers in London, and a memorial was also sent in due course,[1] with the result that the obnoxious resolution, so far as is known, has not yet been accepted by the British Government.

That month introduced us to Mr. Earnest Hatch, a Conservative member of the British Parliament. He was touring through South Africa. Some persons in Johannesburg took him to the Indian Locations, showed him the worst parts in the Indian quarters, and the papers said that Mr. Hatch was very much disgusted with what he had seen and that he was going to study the Indian question. From Johannesburg he came to Durban and some of the members of the Congress thought it advisable to meet Mr. Hatch and place before him the Indian view of the question. He met a deputation of about 50 representative Indians and returned a very sympathetic answer to what was said to him and promised to do what he could in England. He marked with approval the moderation with which, in his opinion, we carried on our work. Mr. Hatch was presented with some Indian curiosities.

The Franchise question had not yet been settled and during the latter part of the year 1895, it was very much discussed in the papers. Everybody seemed to think that the Indians were attempting to claim a new privilege which had been, hitherto, withheld from them, that they wanted a vote for each Indian, that they never possessed any franchise right in India and that if the natives of South Africa could not possess it, much less could an Indian. It became very necessary to answer all these misrepresentations and to remove the misunderstanding. A pamphlet entitled *The Indian Franchise: An Appeal to Every Briton in South Africa*[2] was prepared. Seven thousand copies were printed, one thousand of which were paid for by Mr. Abdul Karim Haji Adam, and they were widely distributed, some in England also. It was largely noticed by the South African Press and it gave rise to some sympathetic and some bitter and much indifferent correspodence. A special article was devoted to it in the London *Times* and all the propositions advanced therein were accepted by the writer. This was in December 1895.

In the early part of 1896, as most of the questions placed by the Congress before the Secretary of State for the Colonies were

[1] *Vide* Vol. I, pp. 264-5.
[2] ibid., pp. 266-90

yet unsettled, it was considered necessary to place a review of the whole situation before our friends in London and India. A general letter was, therefore, prepared and was sent to them under the signatures of the representative Indians in Natal.[1] It was about this time that the regulations with reference to the then newly established township of Nondweni in Zululand were published.[2] It was provided therein that the Indians could not buy or possess *erven*[3] in that township. As soon as they were published in the Government *Gazette*, a memorial[4] was drawn up protesting against the exception and submitted to H. E. the Governor. *The Natal Mercury* admitted the justice of our contention. His Excellency, however, could not see his way to remove the prohibition.

Thereupon, a petition was forwarded to Mr. Chamberlain,[5] and Sir M. M. Bhownaggree on receipt of the memorial put a question in the House of Commons. The London *Times* gave nearly two columns to the matter and the Committee of the National Congress[6] also took it up. It might be noticed here, parenthetically, that the publication of the above regulations brought to light the fact that similar regulations were passed with reference to the earlier established townships of Melmoth and Eshowe. The above memorial included these two townships also. The prohibition has now been removed. Had it not been for the vigilance of Mr. Adamji Miankhan, this matter might have altogether escaped the notice of the Congress; for, he it was who first came to know about it, and brought it to the notice of the Honorary Secretary.

About May 1896, after inspection of many properties and after much consultation and deliberation, the property registered in the name of Niddha, a free Indian woman, with a brick house and store, was bought by the Congress for £1,080. It was unanimously resolved that it should be registered in the names of the seven persons who have the power of signing cheques on behalf of the Congress as trustees therefor. The property now brings a rental of about £10 per month, its rateable value is £200 and the yearly rates payable to the Corporation this year have been

[1] This is not available.
[2] *Vide* Vol. I, pp. 295-6.
[3] Land sites
[4] *Vide* Vol. I, pp. 295-7.
[5] ibid., pp. 304-7
[6] The British Committee of the Indian National Congress in London

£9-17-6. The buildings are insured for £800 by the Gardiner Fire Assurance Society. Most of the tenants are Tamil people. A bathroom was badly required by them and a temporary structure has been put up by volunteers, Mr. Amod Jeewa supplying the bricks free of charge. It is reckoned that this work has saved the Congress over £8. In April of 1896, as the funds of the Congress thus seemed to be in a prosperous condition and as it became necessary to remove from Mr. Moosa Hajee Adam's place, it was felt that the Congress might well take a step forward and be better housed. Accordingly, the spacious hall now occupied by the Congress was rented at a monthly rental of £5, being an increase of £3 per month over the rent previously paid.

During the first session of the Natal Parliament, 1896, it became known that Mr. Chamberlain had decided to advise the Natal ministers to amend the Franchise Act specially preventing persons of Asiatic extraction from being placed on the Voters' Roll from the statute book of the Colony by passing a general Act. A Bill repealing that Act and disqualifying persons and descendants of persons belonging to countries that have not hitherto possessed elective representative institutions founded on the parliamentary franchise from becoming voters at the parliamentary elections was thereupon brought in. The Congress felt that, although this Bill did not apply to the Indians,[1] as it was to be passed with a view to disfranchise them alone, it was necessary to oppose it and, therefore, a petition embodying the views of eminent persons as to the existence of representative institutions in India was submitted to the Legislative Assembly.[2] This evoked so much opposition to the Bill on the part of some of the members of the Legislative Assembly that, at one time, it seemed as if the Bill would be thrown out. Sir John Robinson cabled to Mr. Chamberlain and obtained his permission to add after "institution" the phrase "founded on the parliamentary franchise"[3]. This addition materially disarmed opposition to the Bill and it passed both the Houses in spite of our petition to the Legislative Council.[4] Mr. Laughton, at the time of the controversy, wrote a letter to *The Natal Advertiser* and gave it as his opinion that, in spite of the addition above referred to, the Bill would be

[1] It did not make a specific reference to Indians.
[2] *Vide* Vol. I, pp. 312-8.
[3] ibid., p. 323
[4] The petition was submitted to the Legislative Assembly. *Vide* Vol. I, pp. 312-8.

inoperative so far as the Indians were concerned. The Bill reserves to the Governor the right to grant special exemption to those coming under it. A petition[1] protesting against the Bill was sent to the Secretary of State for the Colonies, but it has received the Royal assent and is now the law of the land. It is quite competent for us at any time to bring up a test case as to whether or not we have institutions in India such as are contemplated by the Act, or to apply to the Governor for special exemption. The necessity for either has not yet arisen. We have all along contended that it was not political power that we wanted, but that it was degradation which the first franchise Bill involved that we resented, and our protest has evidently been respected by Her Majesty's Government.

The birth of a son to Mr. Abdul Kadir in the month of March 1896 deserves a special paragraph. At the ceremony performed in the Congress Hall to commemorate the event, over 500 people gathered together. The Hall was brilliantly lit up, Mr. Abdul Kadir made a present to the Congress of £7. This was followed by others and the donations given on the occasion amounted to £58.

During the presidency of Mr. Abdulla Haji Adam, a resolution was passed to the effect that members who collected for the Congress £25 and upward should receive a silver medal. After the institution of the medals many members had, before the month of April 1896, qualified themselves for the honour. Mr. Dowd Mahomed was the most conspicuous in this respect, and it was the unanimous wish that the resolution should be put in force with respect to his work. Consequently, a special meeting was held and a silver medal with a suitable inscription, accompanied by a testimonial, was presented to him.

By this time it became necessary for the Honorary Secretary, owing to domestic reasons, to leave for India for a short visit. The Congress decided that he should take advantage of his visit home and lay before the Indian public the grievances of the British Indians residing in South Africa. A letter[2] appointing him as delegate was consequently given to him and a draft for £75 was also given to defray the expenses of travelling, printing and other out-of-pocket disbursements in connection with the work.[3] An Address was presented to him by the Congress and a gold medal.

[1] *Vide* Vol. I, pp. 321-38.
[2] *Vide* Vol. II, p. 1.
[3] ibid., pp. 104-15

The Tamil members of the Congress held a special meeting and presented a further Address.[1] The Honorary Secretary in reply to all the Addresses said that the presentation was premature, the work was not yet finished. He, however, took the Addresses and the presents as tokens of love, and said that, if the sentiments expressed by the people were genuine, before his return the members would so work as to swell the Congress balance from £194 to £1,194 by the addition of £1,000 by subscriptions and donations. These presentations were widely noticed by the South African Press, not altogether in an unfriendly spirit. He left for India by the *Pongola* on the 5th of June 1896.

During his absence, Mr. Adamji Miankhan was appointed acting Honorary Secretary. Soon after his reaching India, the Honorary Secretary published a pamphlet entitled *The Grievances of the British Indians in South Africa: An Appeal to the Indian Public.*[2] Four thousand copies were printed and widely distributed. *The Times of India* was the first to notice it and, in the course of a sympathetic leading article, advocated a public inquiry. Almost every newspaper of note in India took up the question. *The Pioneer*, while admitting the grievances, thought that the question was extremely complicated, that it was difficult to dictate a particular policy to the self-governing Colonies, and that, under the circumstances, South Africa for better-class Indians was a country to keep away from. The Simla correspondent of the London *Times* cabled a summary of the pamphlet, adding thereto the views expressed by *The Times of India* and *The Pioneer*. After the publication of the pamphlet, the leading men in Bombay were waited upon by the Honorary Secretary who was frequently accompanied by the late President, Mr. Abdulla Haji Adam, who happened at the time to be in Bombay.

At the suggestion of the Hon'ble Mr. P. M. Mehta[3], a public meeting was held in the hall of the Framji Cowasji Institute on the 26th September, Mr. Mehta presiding. The hall was packed. After the Honorary Secretary had read his Address,[4] a resolution sympathizing with the Indians in South Africa and authorizing the President to draw up and forward to H.M.'s Principal Secretary of State for India a memorial in connection with the matter was unanimously passed. The late Hon'ble

[1] *Vide* Vol. I, pp. 338-9.
[2] *Vide* Vol. II, pp. 2-36.
[3] Pherozeshah Mehta
[4] *Vide* Vol. II, pp. 50-60.

Mr. Jhaverilal Yajnik, the Hon'ble Mr. Sayani and Mr. Chambers, the Editor of the *Champion*, spoke to the resolution. Full reports of the meeting appeared in the daily newspapers, and the Presidency Association forwarded by a cable a summary of the proceedings to London.

Madras was next visited, and the leading men were interviewed. Under the auspices of the Madras Mahajan Sabha a circular was drawn up calling a public meeting at Pachaiyappa's Hall. The circular was signed by about 40 representative members of the various communities in Madras, Raja Sir Ramasamy Mudaliar being the first signatory. The Hon'ble Ananda Charlu presided. The hall was crowded and after the Address was read resolutions similar to those passed in Bombay were unanimously carried. A special resolution was also passed suggesting the stopping of indentured labour to Natal. Mr. Adams, Mr. Parameshvaram Pillay, Mr. Parthasarathy Naidu spoke to the resolution. All the leading dailies fully reported the proceedings. After the meeting was over, there was such a scramble for the above pamphlet that all the available copies were taken up and to meet the demand of the public, 2,000 copies were printed in Madras. On the appearance of the cable of the Simla correspondent of the London *Times* in that paper, Sir (then Mr.) Walter Peace, the Agent-General for Natal, was interviewed and he stated in reply that there were no grievances and made many other statements. The special feature of the Madras Address was an exhaustive reply to Sir Walter Peace. This reply was printed as an appendix to the 2nd edition of the pamphlet.

After a fortnight's stay in Madras, the Honorary Secretary travelled to Calcutta. There he interviewed the leaders of public opinion. Sympathetic notices were taken by *The Englishman*, *The Indian Mirror*, *The Statesman* and other English and vernacular papers. The committee of the Biritsh Indian Association met to hear the Honorary Secretary, and decided to adopt a memorial to the Secretary of State for India. While arrangements were being made to hold a public meeting, a cable from Natal was received asking the Honorary Secretary to return at once. The meeting had, therefore, to be abandoned and he left Calcutta for Bombay. A meeting was, however, held in Poona under the auspices of the Sarvajanik Sabha. Prof. Bhandarkar presided. The meeting passed resolutions on the lines of those passed at Madras, to which Prof. Gokhale, the Hon'ble Mr. Tilak and . . .[1] spoke.

[1] The other speaker was Prof. A. S. Sathe.

The Honorary Secretary left India by the *Courland* on the 27th November, 1896.[1] A summary of the cablegram by the Simla correspondent of *The Times*, referred to above, was sent by Reuter to the South African Press. This summary gave an impression of the pamphlet circulated in India that cannot be borne out by a perusal thereof. It, however, gave offence to the European Colonists. The newspapers published violent articles. This gave rise to an anti-Asiatic agitation on an organized scale and the Colonial Patriotic Union was established. It appears that, soon after the publication of the articles, copies of the above-mentioned pamphlet, which were forwarded here, were supplied to the Press which, thereupon, took the right view of the situation and admitted that there was nothing in it to justify the violence of the language used against it. The agitation, however, continued, and many exaggerated statements likely to inflame the public mind were made by the Union. Meanwhile, the *Courland* arrived, preceded by the *Naderi*, by a few hours, which also brought Indian passengers. The prolonged quarantine of 23 days, the formation of the Demonstration Committee, the marching of the Committee procession to the Point to prevent the Indians from landing, the landing of the passengers, the mobbing of the Honorary Secretary, his narrow escape in the guise of an Indian constable, the splendid help rendered by Supdt. Alexander and his force, the sudden change of the tone of the Press, the severe verdict passed by it on the action of the Demonstration Committee, the recognition of the services rendered by the Police on the part of the Indian community, the Demonstration memorial[2] to Mr. Chamberlain containing . . . pages giving the full history of the crisis are all fresh in the minds of the members of the Congress. Two traits of Indian character came out prominently during the critical period. The establishment of the Quarantine Fund for the relief of the sufferers on the two ill-fated vessels was a work which showed Indian liberality to the best advantage; and the peaceful behaviour and the quiet resignation during the most irritating times extorted the admiration even of those who were least likely to notice the good traits of our people.

During the session of Parliament that followed, the Government, according to their promise to the Demonstration Committee, introduced four anti-Asiatic Bills, viz., the Quarantine, Immigration Restriction, Dealers' Licenses, and Uncovenanted Indians

[1] The ship sailed from Bombay on November 30. *Vide* Vol. II, p. 127.
[2] ibid., pp. 140-229

Protection Bills. Petitions were sent to both the Houses[1] but in vain; and the Bills were passed. A petition was therefore sent to the Secretary of State for the Colonies.[2] The reply is not altogether satisfactory. Mr. Chamberlain, however, sympathizes with us and grants our request with reference to the Indians Protection Act. This legislation may fairly be said to have closed one part of the Asiatic question and that, it would appear, to an extent in our favour. Ever since the establishment of our institution, we have fought against colour legislation—against legislation imposing special disabilities on the Indians. That principle has evidently been admitted. Of course, this does not mean that we have nothing further to do or that the solution is satisfactory. On the contrary, we have now the fight against opposition much more subtle because indirect. The above legislation, although nominally directed against all persons, is in practice applied to the Indians alone. We have, therefore, to endeavour not only to get the legislation repealed or modified, but we have also to watch the operation of the various Acts and so far as possible to induce the authorities not to make it unduly severe and irksome. All that requires on our part constant efforts, unceasing watchfulness, unbreakable union amongst ourselves, a large measure of self-sacrifice and all those qualities that ennoble a nation. And then victory must be ours, for our cause has been universally regarded as just, our methods, moderate and without reproach.

In this connection it might be well to consider and dispose of one complaint that has been raised against the Congress and that is due to ignorance of past events. It has been said that, if we had not started the movement to obtain redress, our position might not have been so bad as it now is. Little do those people who advance this argument know that the agitation against the Indians is as old as their advent to the Colony. What would have happened if we had not attempted to stem the tide of that agitation? The answer is simple—what has happened to the Indians in the Orange Free State. The Europeans there agitated against the Indians who sat silent until it was too late, and we have now no foothold in that State. In the Transvaal we awoke when half the ground was lost, and because we raised our voice against the European opposition we have yet hopes that, though we may not be able to recover

[1] *Vide* Vol. II, pp. 231-5 and 236-7.
[2] ibid., pp. 260-80

the lost ground, we would at least be able to retain what little yet remains to us. Similarly, in Natal we woke just when the anti-Asiatic feeling was being crystallized into legislation and, therefore, our position is not what it might have been otherwise. If the above feeling had not been allowed to assume the proportions that it did in 1894, we might fairly infer, from the course events took in the other States of South Africa, that our position might have been much better than what it is. To prosecute the enquiry further, the repeal of the anti-Indian regulations for the township of Nondweni in Zululand, the repeal of the first Franchise Act which especially applied to the Indians, the non-acceptance of the anti-Asiatic clause in the Commando Treaty in the Transvaal, Mr. Chamberlain's famous dispatch in reply to the Transvaal Memorial entirely sympathizing with us, the marked improvement in the tone of the Press in Natal and other matters which would readily occur to those who have cared to follow our proceedings, may be claimed as the direct and tangible results of our movement.

In the beginning of 1897, a cablegram was published in the papers from the Chief Justice of Bengal in his capacity as the Chairman of the Indian Famine Charitable Relief Committee, appealing for help to the fund. As soon as the cablegram became known, it was realized that a special effort on the part of the Indians in Natal was necessary. A meeting of the Colonial-born Indians was held in St. Aidan's school room, and there all present promised not only themselves to give what they could but to work also in getting in donations. A meeting of the merchants took place on Mr. Peerun's premises and a fund was started; but that did not seem to satisfy the gentlemen present and they thought that something more was necessary. Another meeting, therefore, took place on the premises of Messrs Dada Abdulla & Co., and almost all those who had subscribed on Mr. Peerun's premises doubled or trebled the amounts first put by them, Mr. Abdul Karim raising from £35 to £101, Mr. Abdul Kadir from £36 to £102, Mr. Dawad Mahomed putting down £75. A strong committee representing all classes and creeds amongst the Indian community was formed. Circulars in English, Gujarati, Tamil, Urdu and Hindi were issued and widely distributed.[1] Workers went out all over the Colony collecting subscriptions from high and low and within a fortnight a sum of £1,150 was collected, the expenses for collection amounting to less than £20.

[1] *Vide* Vol. II. pp. 135-6.

The N.I.E. Association[1] under the superintendence of Dr. and Mrs. Booth gave two benefit performances in the Congress Hall. An improvised stage was erected and the members with some non-members played 'Ali Baba and Forty Thieves', the hall being packed full on both the occasions and the proceeds amounting to £40. Capt. Younghusband, the special correspondent of the London *Times*, who was for some time on duty in India, paid a visit to Durban. The Indian side of the Indian question in South Africa was placed before him and all the documents were supplied to him. Messrs Dada Abdulla Co., entertained him to dinner at the Congress Hall and invited the leading Indians. He has devoted a special chapter to our question in his book on South Africa and, while favouring the attitude taken up by the Europeans, places the Indian side of the question pretty fairly.

Congress was not behind-hand in connection with the Diamond Jubilee festivities. An Address carved on a silver plate in the shape of a heart mounted on a plush and framed in Natal yellow wood was presented to Her Majesty on behalf of the Indians in Natal. A deputation consisting of our leading members specially waited on His Excellency the Governor for the presentation of the Address. An Address similarly worded was sent from the Transvaal Indians also.

Under the auspices of the N.I.E. Association the Diamond Jubilee Library was opened on the Jubilee Day by Mr. Waller, the then Magistrate of Durban. The Mayor, Mr. Laughton, Mr. Osborn, the Librarian of the Durban Library, Dr. Booth and a few other Europeans attended the opening ceremony. Letters of sympathy were received from those who were unable to attend, among them being the Hon. Mr. Jameson and the Deputy Mayor, Mr. Collins. The Congress Hall was brilliantly lighted for the occasion. The credit for the success of the opening ceremony and the decorations is entirely due to the efforts of Mr. Bryan Gabriel, though it is but fair to mention that during the last portion of the decorations he was assisted by other workers also. It is painful to have to report that the library has not been as successful in its career as was its opening. The attendance has been nil. The expenses of the library were subscribed for by the members of the Educational Association and an equivalent amount had been voted by the Congress.

[1] The Natal Indian Educational Association, formed in 1894

During all this time, between June of 1896 and that of 1897, as has been said above, Mr. Adamji Miankhan held the post of the Hon. Secretary. It was now time for him to go to India. He, therefore, handed over his charge to the Hon. Secretary. A special meeting of the Congress was held to consider the advisability of doing some honour to Mr. Adamji Miankhan to mark its appreciation of Mr. Adamji's services during the trying times. While all the members recognized the self-sacrifice, the zeal and the ability and tact with which Mr. Adamji worked for the Congress, opinion was divided as to whether or not an Address should be presented to Mr. Adamji. After some discussion the resolution to present him with an Address was carried by a narrow majority, but the opposition was so strong that the majority decided not to proceed with the Address as it was considered that in such matter unanimity of opinion was necessary. And Mr. Adamji Miankhan left for India unthanked and unhonoured.

This is one of the slips committed by the Congress and shows that we are but a human institution liable to err as any other. The Hon. Secretary as such held a party at his house in honour of Mr. Adamji. Printed invitations were issued and all leading Indians attended. Laudatory speeches were made to which Mr. Adamji gave a suitable reply. The President, the Hon. Secretary and other members saw Mr. Adamji off at the Point. Mr. Adamji Miankhan has proved worthy of the responsibility that was placed upon him by the Congress. During his tenure he convened the meetings regularly, collected the rents properly and kept a very accurate account of all that was spent. He undoubtedly seems to have cultivated good relations with members of the Congress generally. Above all, the one quality that is needed in the holder of that post more than any other, namely, calmness of mind under all the irritation from within and without and the ability to put up with the different dispositions of the members, he displayed in abundance. The Jubilee Address[1] might never have been sent but for the care and anxiety with which he worked in order to have it ready in time. Mr. Adamji has shown that the Congress can go on and its work can be properly done by local men.

When it was announced in the papers, two months prior to the day of celebration of the Diamond Jubilee, that Mr. Chamberlain would take advantage of the occasion to meet the

[1] *Vide* Vol. II, p. 255.

Premiers of the different Colonies and discuss with them certain questions affecting the British Empire, among them being included the Indian question, it was thought advisable to send somebody to London with a view of watching the Indian interests. Mr. M. H. Nazar of the firm of Nazar Bros. of London, a member of the Stockholm Oriental Congress and nephew of the late Justice Nanabhai Haridas, who had come to Natal in the December of 1896 and who had rendered splendid help to the community during the Demonstration crisis, was unanimously selected as the delegate and he went duly authorized to England. Mr. Nazar went to England without any remuneration being paid for his services. The Congress was to pay his out-of-pocket expenses only. He remained in London in connection with the work beyond the expected time on the advice of the gentlemen whom he was specially requested to consult in everything he did and whose advice he was to be guided by. He received much support from our sympathizers in London. He was able to move the East India Association on our behalf and that influential body has forwarded a powerful memorial to Lord George Hamilton and has also sent a communication to the Indian Government directly. Mr. Nazar holds letters of sympathy for our cause from several distinguished Englishmen, and Sir M. M. Bhownaggree in a letter addressed to us speaks very highly of his work. In this connection, the extraordinary self-sacrifice made by the Colonial-born Indians and the subscription raised at a single evening's sitting to the extent of over £35 amongst themselves, numbering about fifteen poorly paid young men who have never extended their horizon beyond South Africa, cannot but be mentioned. Mr. C. Stephen laid aside his silver watch and all he had in his pocket, and his example, to their credit, was followed by the others present at the meeting, and the Nazar Fund Committee were able next day to cable him £75.

About the end of last year, the Durban Town Council passed certain Ricksha regulations, one of which prevented Indians from owning or holding licences for Rickshas. A protest[1] was at once drawn up, signed by the leading Indians and forwarded to the Governor. Copy of the protest was sent to the Town Council which at once decided to take off the prohibition. Soon after the Immigration Restriction Act came into

[1] This is not available.

operation, seventy-five Indians were arrested wholesale in Dundee on the alleged ground that they were prohibited immigrants. Ultimately they were discharged. Last January, the Licensing Officer appointed by the Newcastle Town Council, in virtue of the Dealers' Licenses Act above referred to, declined to issue licences to any of the Indians. On appeal, the Town Council granted six licences and refused three. The matter was taken before the Supreme Court and Mr. Laughton, the appellant's counsel, ably argued that the jurisdiction of the Supreme Court, even on the merits of the case, was not ousted by the Act. The court, however, decided against the appellant, His Lorship, the Chief Justice, dissenting. The Congress has taken the matter up and an appeal has been lodged in the Privy Council—Mr. Asquith, the leading counsel, has been retained in the case. The result is likely to be known in November. The question as to whether vendors without any shop are required to take out a retail licence was raised and the case was taken to the Supreme Court in the name of one Moosa, a vegetable dealer, and that court has decided that no licence is required to be taken out by such vendors. This matter was brought before the Congress by the vegetable vendors and it was taken up, a member promising to pay the out-of-pocket expenses. The case was won, but the disbursements have not yet been paid by him and they will be a charge on the Congress.

In the month of March, an illuminated address[1] was presented to Mr. G. V. Godfrey for his being the first Indian to have passed the Civil Service examination of the Colony. Special subscriptions were raised for the purpose and a special committee was formed. In this connection, it ought to be mentioned that Mr. Godfrey Senior has set an example which other parents may follow with much profit. Himself by no means a particularly educated man, he had made it his sole aim to bring up his children in a suitable manner and to provide for them the best education. He sent his eldest son to Calcutta and gave him a University training there. He (the eldest son) is now gone to Glasgow and is studying for medicine.

About 20,000 pamphlets, copies of memorials and letters, have been written and have been distributed during the years under review.

[1] *Vide* pp. 6-7.

PRESIDENTS

In the month of August 1898, Mr. Abdul Karim Hajee Adam Zaveri, having occupied the Congress chair ever since his brother's departure in 1896, with much credit to himself and to the universal satisfaction of the members, sent in his resignation. He was requested to reconsider his decision but he said he could not, and Mr. Cassim Jeewa was elected in his place. He occupied the chair till the March of this year and then resigned as he wanted to leave the Colony. Mr. Abdul Kadir was unanimously elected in his place and still holds the position of the head of the community. It is sad to record that Mr. Cassim Jeewa was drowned last May while on his way from Calcutta to Rangoon. Much sympathy was shown to his bereaved father, and the Congress authorized the President to send him a letter of condolence.

VISITORS

Dr. Mehta, a graduate and gold medallist of the Grant Medical College[1] and Barrister-at-Law of the Middle Temple, London, and sometime Chief Medical Officer of the Idar State, paid a visit to Durban. He was well received by the community and feted by the prominent members.

Mr. Rustomjee's generosity has provided Congress with linoleum worth £22-10-1, a costly brass-plate Congress board, lamps and other knick-knacks.

MISCELLANEOUS

During the early part of Mr. Abdul Karim's tenure of office, the institution of fines for late attendance at the Congress meetings was founded. Many members paid five shillings for each late attendance. It has now fallen into disuse, and so much have we fallen back from our first love that now it is difficult to form even a quorum at the Congress meetings before 9 p.m., that is, one and a half hours after the appointed time. It was due to the special exertions of Mr. Abdul Karim that it was decided that every merchant should pay a farthing on every packet he imported, four packets of salt being counted as one. Nearly £195 have been thus received by the Congress, but the sum does not even represent one-tenth of what would be received if every merchant paid up the amount due by him to the Congress on his account.

It will be recollected that tickets were issued in order to enable the workers to collect small donations without the necessity

[1] At Bombay

of writing out receipts. The plan has proved almost a failure except that Mr. Madanjit brought from the Stanger district about £10.

INDIAN HOSPITAL

The Congress members raised a subscription in aid of the Indian hospital established in the year 1898 by the exertions of Dr. Lilian Robinson under the advice, help and control of Dr. Booth, and guaranteed to pay £160 or £ 6-13-4 per month for two years in lieu of rent. The hospital was formally opened on the 14th day of September 1898.

The outlook at present is gloomy so far as the internal work of the Congress is concerned. Members do not possess half the enthusiasm that was displayed in 1895 and 1896. Subscriptions in all the outlying districts have become considerably overdue. It would, however, be hardly fair to attribute this apparent neglect of the Congress work to wilful apathy on the part of the members. The Indian community have passed and have been passing not only through serious political troubles but have also, with the other communities, severely suffered from those of the war.[1] These two combined have naturally given rise to despair but it is hoped that the despair is only temporary and that, after a calm survey of the situation, which is not without its bright spots, as will have appeared from the foregoing, the old enthusiasm will revive with redoubled force.

The Congress rules need to be recast and it appears necessary now to be strict in observing them. So far, those that have not paid up their subscriptions have been allowed to be considered as members and to have a say in Congress matters. This practice is very undesirable.

The Test Case as to the interpretation of the Transvaal Law with reference to the Asiatics has been tried.[2] Our fellow-brothers in the South African Republic engaged the services of the best counsel and spared no pains, but the judges, with Justice Jorrisen dissenting, have decided against us. It is too soon yet to forecast the result of the decision. Messrs Jeremiah Lyon & Co., of London have taken up the cause of the Indians in Rhodesia. They are doing the work zealously and hope to be successful. They have distributed circular letters and papers amongst the leading merchants in Durban.

From a photostat of the office copy : S.N. 209

[1] The reference is to the Boer War.
[2] *Vide* pp. 1-2, 13 and 14.

55. RELIEF TO INDIAN REFUGEES

DURBAN,
October 14, 1899

SIR,

About a month ago, in forwarding a copy of the communication[1] to His Honour the British Agent at Pretoria, on behalf of British Indians in the Transvaal, it was my painful duty to comment[2] somewhat bitterly on the refusal of the Natal Government to afford relief to the Indian refugees from Johannesburg. The Immigration Restriction Act prohibits the entry of those that have not been formerly domiciled in Natal and do not know any of the European languages. The Government have passed certain rules under the Act whereby temporary permission to Indian visitors may be given on a deposit by the applicants of ten Pounds each. The Government were asked to suspend the deposit during the tension. Yielding to—there is reason to believe—pressure from the British Agent, they graciously suspended the deposit. Another difficulty cropped up in the mean time. Most of the refugees from Johannesburg availed themselves of the railway between that place and Durban, but during the past few days that communication has been cut off, and the refugees have to go to Delagoa Bay and thence to Durban. Europeans have been coming from Delagoa Bay in thousands, but as the shipping companies, in response to circulars from the Government, have not been taking any Indian passengers, they would not in this instance also. The Government were, therefore, approached for relief in the matter and they have been pleased to notify to the shipping companies that they may bring the Indian refugees from Delagoa Bay, on condition that they should take out temporary passes on their landing. It was considered that it was due to the Natal Government that this fact also should be as prominently brought to your notice as their refusal. We once again feel *that, though in Natal, yet we are British subjects, and that in time of danger the enchanting phrase has not after all lost any of its charm.* The attitude the Natal Government have now taken up during the crisis is the silver lining to the dark cloud that is hanging over

[1] *Vide* pp. 101-5 and 112-3.
[2] *Vide* "Comments", pp. 113-4.

our heads in Natal as well as other parts of South Africa. We only trust that the fellow-feeling that has guided the Natal Government in its treatment of the Indians during the crisis would be continued, even after it is over, and that British subjects of all nationalities will be allowed to remain, as they ought to be, in harmony and peace.

Though no native Indian troops have landed in Durban, the Indians attached to the troops from India have not failed to extort the suppressed admiration of the Europeans.

I remain,
Yours obediently,
M. K. GANDHI

The comments[1] referred to were the following.

From a photostat of a printed copy : S.N. 3299

56. NATAL INDIAN CONGRESS RESOLUTION[2]

DURBAN,
October 16, 1899

It is resolved that the Natal Indian Congress tenders its best thanks to the Government for having graciously afforded facilities to the British Indian refugees from the Transvaal, now in Delagoa Bay, for coming to Natal and remaining in the Colony during the present crisis.

That the President be requested to forward a copy of the above Resolution to the Natal Government for their information.

(Sd.) ABDUL CAADIR

Colonial Office Records : South Africa, General, 1899

[1] *Vide* pp. 113-4.
[2] This was forwarded to London by the Governor of Natal.

57. LETTER TO COLONIAL SECRETARY, NATAL

[DURBAN,]
October 19, 1899

TO
THE HONOURABLE THE COLONIAL SECRETARY
MARITZBURG

SIR,

About 100 English-speaking Indians of Durban met together at a few hours' notice on the 17th instant to consider the desirability of unreservedly and unconditionally offering their services to the Government or the Imperial authorities in connection with the hostilities now pending between the Imperial Government and the two Republics in South Africa.

As a result, I have the honour to enclose herewith a list[1] containing the names of a portion of those that have offered their services unconditionally. These have been subjected by Dr. Prince to a rigorous examination.

He will examine the remaining volunteers tomorrow, when about ten are expected to pass the test. But, as time is of consequence, it was proposed to forward the incomplete list.

The services are offered by the applicants without pay. It is open to the authorities to accept the services of all, or so many as they may consider fit or necessary.

We do not know how to handle arms. It is not our fault; it is perhaps our misfortune that we cannot, but it may be there are other duties no less important to be performed on the battlefield and, no matter of what description they may be, we would consider it a privilege to be called upon to perform them and would be ready to respond to the call at any time appointed by the Government. If an unflinching devotion to duty and extreme eagerness to serve our Sovereign can make us of any use on the field of battle, we trust we would not fail. It may be that, if in no other direction, we might render some service in connection with the field hospitals or the commissariat.

[1] This is given at the end of this letter.

The motive underlying this humble offer is to endeavour to prove that, in common with other subject of the Queen-Empress in South Africa, the Indians, too, are ready to do duty for their Sovereign on the battlefield. The offer is meant to be an earnest of the Indian loyalty.

The number we are able to place at the disposal of the Authorities may appear to be small; but it probably represents twenty-five per cent of the adult Indian males in Durban that have received a tolerably good English education.

The mercantile portion of the Indian community, too, have loyally come forward, and if they cannot offer their services on the battlefield, they have contributed towards the maintenance of the dependants of those volunteers whose circumstances would render support necessary.

I venture to trust that our prayer would be granted, a favour for which the petitioners will be ever grateful and which would, in my humble opinion, be a link to bind closer still the different parts of the mighty empire of which we are so proud.[1]

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

LIST OF NAMES OF INDIAN VOLUNTEERS WHO HAVE OFFERED THEIR SERVICES TO THE NATAL GOVERNMENT OR THE IMPERIAL AUTHORITIES

Gandhi, M. K.; Paul, H. L.; Peters, A. H.; Khan, R. K.; Dhanjisha, P.; Cooper, P. C.; Godfrey, J. W.; Baghwan, R.; Peter, P.; Dhunde, N. P.; Lawrence, V.; Gabriel, L.; Harry, G. D.; Govindoo, R.; Shadrack, S.; Ramtahal; Horne, J. D.; Nazar, M. H.; Naidoo, P. K.; Singh, K.; Richards, S. N.; Lutchman Panday, M. S.; Royeppen, J.; Christopher, J.; Stevens, C.; Roberts, J. L.; Jappie, H. J.; Done, J. S.; Gabriel, B.; Royeppen, M.; Lazarus, F.; Moodley, R.

From a photostat of the office copy in Gandhiji's hand: S.N. 3301-2, and *The Natal Mercury*, 25-10-1899

[1] In his reply dated October 23, the Principal Under-Secretary informed Gandhiji that "the Government is deeply impressed with the offer of Her Majesty's loyal Indian subjects in Durban who have offered their services . . . and should the occasion arise, the Government will be glad to avail itself of those services. Will you be good enough to convey to the Indians in question an expression of the Government's appreciation of their loyal offer?"

58. INDIANS IN SOUTH AFRICA

DURBAN,
October 27, 1899

I see that my last contribution[1] in connection with the education of the Indians in Natal has attracted some attention in India and England. I said in it that, unless the Home and the Indian Governments gave more attention than hitherto to the Indian question in South Africa, the effacement of the community in this country was a matter of time. The more I observe, the firmer I become in this conviction. It may not be inappropriate when the battle is raging fiercely between the British army and the Boers to review shortly the position—I was going to say, the most wretched position—the Indians in the Transvaal occupied during the exodus that took place some time ago from that country. During the first stages of the panic, the Uitlanders[2] left Johannesburg by thousands daily. The Indians, however, remained unmoved. Later, the prominent members of the Uitlander Council left. Mr. Moneypenny, the editor of *The Star* and correspondent of *The Times,* and Mr. Hull, a well-known solicitor and leading member of the Council, had to effect their escape in disguise. Mr. Pakeman of *The Leader* was arrested on a charge of high treason, and the atmosphere was thick with the rumour that leaders of the movement would be taken in custody as hostages by the Transvaal Government. Naturally, with the Europeans the poor Indians were also frightened, and they, too, were anxious to leave the Rand for a place of safety. Where could they go? Not to Cape Colony, which is far, and where there is a very sparse Indian population; not to Delagoa Bay, the hot-bed of malaria, devoid of sanitation and overcrowded. The only place they could go to was Natal. The Immigration Restriction Act of that Colony, which prohibits the immigration of lunatics, criminals, prostitutes, paupers, or those that do not know any of the European languages, unless the last have been formerly domiciled in Natal—whatever that phrase may mean—was, however, in the way. Mr.

[1] *Vide* "The Indian Question in South Africa", pp. 96-100.

[2] White foreigners, generally British subjects, who had migrated to the Transvaal

Chamberlain has said that the Act applies to all, irrespective of colour or race distinctions, and, therefore, it is not such as could be objected to. But it does not, therefore, at all follow that the European criminals, desperadoes and prostitutes, of whom Johannesburg may be said to have a fair number, could not go to Natal. Not only was the Colony open to them, but special arrangements were made for their reception—relief committees were formed, and everything that could be done to make them comfortable in their distress was naturally and justly done by the people of this Colony.

The Indians alone could not and must not come. They appealed to the Government with a view to obtain some relief. They suggested suspension of a portion of the stringent rules passed under the above Act, and asked that they might be allowed to stop in Natal during the crisis. The Natal Government at first refused point-blank to grant relief. Then they said that, in the event of war breaking out, they would be guided by considerations of humanity. The Indians had approached the British Consul at Johannesburg also, who, it must be said, rose to the occasion, and very forcibly placed the Imperial view of the question before the proper authorities, which brought about the desired relief.

In order to understand thoroughly the ridiculous and un-British position taken up by Natal, it is necessary to know something of the rules referred to above. At the time of introducing the Immigration Bill, the Natal Ministers said that they did not in any way intend to inconvenience the Indians who had already settled in the Colony. As soon, however, as the Bill became law, the Government went out of their way to send notices to the various shipping companies, informing them of the punishment that awaited them if they brought Indian passengers. This was naturally taken by them to mean that they were not to bring any Indian passengers. In view of this, it was evidently necessary that those Indians who were entitled to enter the Colony under the Act should be given some relief. The Government, therefore, introduced what are called "certificates of domicile", which were granted to those on whose behalf proof could be produced that they were before domiciled in the Colony. It may be mentioned here that the interpretation of the term "domicile" has been narrowed down as much as possible; so that now, practically, an Indian who wants such a certificate must produce two affidavits to the effect that he was in the Colony doing some permanent

business for a term of at least two years—a limitation for which there seems to be absolutely no warrant in the Act itself. These certificates are granted on a fee of half-a-crown to the Treasury; but the reader will easily imagine that the poor Indian who has got to prove that he is exempt from the operation of the Act, has not only to pay the half-crown, but also the lawyers who would draw up the affidavits, etc.

This facility, if it may be so called, enabled only previously domiciled Indians to obtain a passage for Natal. What, however, were the friends, relations, or customers of the Indians in Natal to do who wanted to visit the Colony temporarily, and, therefore, not to *immigrate*? Such temporary permission was absolutely necessary for the convenience of the Indian settlers. A few applications were made to the Government on behalf of those who wanted to come to Natal on urgent business from other parts of South Africa, and permission was granted after some difficulty on security to the extent of £50 and upwards being lodged for the due return of the applicants. Complaints were frequent and loud about the harassing delay that took place in obtaining such permission, and the prohibitive security required. Applications were made for some systematic relief, and, over one year after the passing of the Act, rules were framed by the Government which, instead of giving the desired satisfaction, caused intense disappointment. A fee of £1 was instituted for the first time, for *each* permit which was granted, on a deposit by the applicant of £25 if he wanted to pass through Durban, say from Johannesburg, on his way to India, and of £10 if he wanted to make a sojourn of a period not exceeding six weeks in Natal. Thus, a poor Indian from Johannesburg wishing to embark at Durban for India was obliged to find not only £25 for deposit, but to pay £1 to the Government; whereas he would have to pay only at times two guineas, and at the most five guineas, for a deck passage. Petition after petition was made to the Government protesting against the imposition of the fee and the distinction between the deposits for embarkation-passes and visitors' passes. The Government, however, said that the fee of £1 was necessary because the passes were a concession, and threw a lot of work on its hands, and that a higher deposit was insisted upon for embarkation-passes as the Government undertook to buy a passage out of the deposit for the holders—a favour which the holders never asked for, and never appreciated. The petitioners, on the other hand, contended that the granting of such passes was an absolute

necessity, caused entirely through the strictness with which the Immigration Restriction Act was administered. They said that the Act prohibited the immigration—that is to say, the entry for permanent settlement, and not the entry for a temporary sojourn; and, therefore, respectfully declined to regard the institution of passes as a concession.

It was not, however, until such pressure was brought to bear on the Government, and a petition to the Home authorities in the matter was threatened in their memorial with respect to the Dealers' Licenses Act, that the Government yielded and withdrew the imposition of the £1 fee and reduced the deposit of £25 for embarkation-passes to £10. So that, when the Indians in the Transvaal appealed for relief, the system of £10 deposit for *each* visitor or the embarkation-pass was in vogue. (Thus, a storekeeper who has, say, five assistants, would not only have to leave all his stock behind him, to make arrangements for maintenance during the prolonged struggle—without any prospects of business—and find sufficient money for travelling and sundry expenses, but also to have £60 to deposit before he could leave the Transvaal during the panic—a thing which may be practically impossible to do under the severe stress.) It is worthy of note that these passes—though they are, it must be admitted, granted on application without any difficulty—are issuable at the option of the officers appointed to issue them. The Indians in question merely asked for suspension of the £10 deposit, and to be allowed to enter and remain in Natal only during the crisis. The cold reply that the Government first returned came as a shock not only to the Indians but to many fair-minded Englishmen also, in Johannesburg. I know that the British Vice-Consul was very indignant. *The Standard and Diggers' News*, the Boer organ, in a scathing article, had a laugh at the expense of Natal in this connection and, not without some truth, pointed out the inconsistency of the Imperial Government in coercing the Transvaal to do justice to the Uitlanders while allowing Natal to do as it liked to the British Indians. To the Indians, for the time being, "British subjects" became an empty phrase. That British Indians at such a time of peril could not find shelter on British soil passed their comprehension, and they did not know what to do and where to go. Recent events prove that the Indians' misgivings were perfectly correct, and those of your readers who have followed the stirring events in this Continent are by this time aware of the harrowing difficulties which those who put off to the last moment flying out of the Transvaal had to go through. The British

Vice-Consul at Johannesburg came to the rescue. He sent a strong despatch to the British Agent at Pretoria, who, in turn, telegraphed to the High Commissioner, and a timely "recommendation" from him brought the Natal Government to their senses, and the deposit of £10 was suspended. It is to be hoped that the suspension will become permanent, and if the present war brings about, as seems not unlikely, a better feeling on the part of the European British subjects towards their Indian fellow-subjects, it will have served one good purpose.

It is only due to the Natal Government to mention that they have, since the salutary recommendation from Sir Alfred Milner[1], been uniformly careful in not discriminating against the Indians. When the passenger traffic between Johannesburg and Durban stopped, the refugees had to come *via* Delagoa Bay. The Europeans came in without let or hindrance to Durban. These had to be housed, and fed by the Government or the Relief Committees; but the steamship companies, in view of the notice above referred to, would not venture to take Indian refugees, not one of whom has sought the Government's, or the Relief Committee's, aid. The Government were requested to supplement the suspension of the deposit by advising the steamship companies to take Indian passengers, which they did promptly enough. It may not be amiss to give a few instances of the hardships the notice to the companies and the institution of certificates of domicile have caused. As I said in a previous communication, the bubonic plague has come in very useful. The severe Quarantine Act of Natal renders it very risky for any steamer from India to take Indian passengers; consequently, for months past, the steamship companies in Bombay, so it appears, have been absolutely refusing to book passengers for Natal. The loss and inconvenience that have been caused, particularly to Indian merchants, owing to the inability of their partners or servants to secure a passage for Natal, are serious. The Government have been often approached to grant relief, but they have sheltered themselves under the statement that they could not give any assurance to the steamship companies, but that they would treat every arrival from the Indian ports on its own merits. The Delagoa Bay authorities have unfortunately caught the bubonic fever craze, and, yielding to the hysterical cry in Natal, have of late returned steamers with Indian passengers back without landing even cargo. They have no prejudice; but because

[1] Governor of the Transvaal

people in the neighbouring Colonies have been shouting that the sanitation there is rotten, and supervision of cases of infectious diseases more so, they have been managing things in a most high-handed manner. The s.s. *Kanzler* brought a large number of Indian passengers a fortnight ago from Bombay. She was ordered to return. In the mean time, an Indian gentleman, who had his clerk on board, approached Portuguese authorities and induced them to let his clerk land—to bring whom, it is said, the Government tug was specially sent! This is, indeed, humorous—only, it is also very distressing. It shows the Portuguese freedom from bias against the Indians, and it also shows that in the presence of weakness they would commit an injustice.

Such is the unfortunate lot of the poor Indian in South Africa, mainly due to the anti-Indian policy of Natal. But for the Immigration Restriction Act and the Quarantine Act (which, also, in reality is an anti-Indian Act), the wholesale return of steamers bringing Indian passengers, without regard to what that may mean to the Indians, would have been an impossibility. It seems to me, however, that the situation is by no means hopeless. Natal, apart from the Indian question, has undoubtedly risen to the occasion during the present crisis; so much so that Mr. Chamberlain, in his great speech, lately, paid a well-deserved tribute to the Colony. The volunteers have been fighting the Imperial cause unflinchingly. The Ministers have given their entire support to the Imperial Government. Newcastle, Charlestown and Dundee, principal towns in the Colony, had to be entirely evacuated on the shortest notice; and the British, including, of course, the British Indians, merchants and others, realized the position and, leaving all their belongings, vacated those places with quiet resignation. All this shows intense attachment to the Throne. If only, therefore, the European Colonists could be induced to see that their attachment would be incomplete unless justice was done to the Indians, they would not fail to respond. There is no mistaking the sign of the wave of Imperial unity. The present war is entirely in the interests of the Uitlanders, whose sufferings may be said to fade into insignificance when compared with those of the Indians. The volunteers who have gone to the front to fight for the Queen's cause are mostly those who took the most prominent part in the now notorious anti-Indian demonstration of 1897 in Durban. Some local English-speaking Indians met together a few days ago, and decided that because they were British subjects, and as such demanded rights, they ought to forget their domestic differences, and irrespective of their opinion on the

justice of the war, render some service, no matter how humble, on the battlefield during the crisis, even if it were to act as bearers of the wounded in the volunteer camp. Most of these plucky youths are clerks, and well brought up, and by no means inure to a hard life. They have offered their services without pay, unconditionally, to the Government or the Imperial authorities, stating that they do not know how to handle arms, and that they would consider it a privilege if they could perform some duty, even menial, on the battlefield. The Indian merchants have come forward to support the families of those who may need help. The Government have returned a very courteous reply, saying that, should occasion arise, they would avail themselves of the services offered.

It strikes me that neither the Indian public nor the steamship companies have taken the trouble to study the Immigration Restriction Act; for, notwithstanding the Government notice above referred to, there is no reason for the companies to decline to take Indian passengers altogether. They can safely take such as can read and write English fairly well, and there should be no hesitation in taking any Indian passengers who would give them an undertaking, depositing money, if necessary, to the effect that, if they are not allowed to land in Natal, they would at their own expense return or disembark at the next port of call. Our great companies should either themselves give such facilities as are in their power to poor Indian passengers, or should be made to do so by our public bodies, such as the Chambers of Commerce, within whose province such matters lie specially. I trust they will give sympathetic consideration to the suggestion offered.

The Times of India, 9-12-1899

59. *LETTER TO W. PALMER*[1]

[DURBAN,
After *November 13, 1899*][2]

DEAR MR. PALMER,

I thank you very much for your kind note which is a surprise to me.

[1&2] The addressee, Treasurer of the Durban Women's Patriotic League, had written to Gandhiji on November 13, 1899, complaining that while "Coolies" had contributed their three-penny pieces to the street collections, the "Arabs" (Asiatic merchants) had "declined to render any help".

I would, if it is possible, like to know the names of the ladies who went to collect and of the 'Arabs' who declined to assist.

It is just possible the men did not know the ladies or the true aim of the fund.

Before the Indians offered their services to the Imperial authorities for active service on the battlefield, I went over to Mr. Jameson and asked him whether it was advisable to make the offer. He seemed disinclined to advise it owing to the inability of the volunteers to handle arms, but suggested a contribution to the fund referred to in your note. Ever since, I have been thinking of inducing the leading Indians to make a small collection. But, as you know, the offer has been made, one of the conditions of which is to support the families of the volunteers during active service. The fund started for this purpose and the terrible strain thousands of Indian refugees have put upon the purse of the Indian merchants have rendered it necessary for the merchants to discriminate in subscribing to various funds.

However, I am awaiting an opportunity of drawing more generally the attention of the Indians to the fund in question.[1]

Please assure the self-sacrificing ladies that no Indian could have declined to assist from want of sympathy. We are all fired by one spirit, viz., the imperial, and we all know what sacrifice volunteers and those they have left behind have committed. The existence—if it be so—of a few selfish persons need not, in my humble opinion, cause us to think uncharitably of the whole class to which they may belong. And, after all, the Coolies are as much Indians as Arabs.

From a photostat of the office copy : S.N. 3323

[1] *Vide* the following item.

60. *NOTE FOR SUBSCRIPTIONS*[1]

DURBAN,
November 17, 1899

We the undersigned hereby subscribe as under to the Durban Women's Patriotic League Fund.

		[£ s d]
E. Aboobaker Amod & Bros.		5- 5-0
S. P. Mohamed & Co.		2- 2-0
....	....	....
Parsee Rustomjee		5-10-0
....	....	....
M. K. Gandhi		3- 3-0[2]
	Total	62- 7-3.

From a photostat of the original : S.N. 3326

61. *INDIAN TRADERS IN NATAL*

DURBAN,
November 18, 1899

Nothing of what I have so far written on the position of the British Indians in South Africa deserves that consideration which the matter I am about to deal with in this letter ought to do. One of the four Acts the Natal Legislature passed in 1897, in indecent hurry and at a time when the fury of the Durban mob had hardly subsided, was that known as the Dealers' Licenses Act. The Act gives absolute discretion to the Licensing Officers appointed under it to issue or refuse a wholesale or a retail licence, whether to trade as a shopkeeper or as a hawker, his decision being subject to review by the Town Council or the Town Board, which have the power to appoint him. There is no right of appeal against a decision of these bodies, sitting as a Court of Appeal in such licence cases. The penalty for carrying on a trade without a licence is £20, in default of which the magistrates have the power to send the defaulter to gaol—not under the Act itself, but under the powers reserved to the magistrates under

[1] Gandhiji circulated this handwritten note and collected the subscriptions. These were sent to W. Palmer on November 24; *vide* pp. 149-50.

[2] Here follow forty-two signatures along with the subscriptions.

A.n. 3328

We the undersigned hereby subscribe as under to the Durban Women's Patriotic League Fund — Durban 17th November 1899

E. Aboobaker Amod & Co	[illegible]		
S. P. Mahomed & Co	2	2	
Hoosen Cassim	1	1	
Hoosen Amod & Co		[illegible]	
M. G. Joosub		2	2 0
Haji Aboola		10	0
Amod Jeewa		10	
Shaik Farid & Co		10	
[illegible]	1		
Parsee Rustomjee	5	10	0
J. H. Singh		10	
G. H. Miankhan & Co	5	5	0
M. C. Camroodeen & Co	6	6	
M. K. Gandhi	3	3	
R. K. Khan	1	1	0
V. S. Pather		10	
C. K. Doorasamy Pillay & Co	2	2	
Hussain [illegible]	1	1	0
Ibrahim Abdoola pd.		10	
Musa Haji Cassim	2	2	0
P. Dawjee Mahomed	2	2	0
Ahmod Ismail Mayet		10	6
[illegible]		10	6
Haji [illegible]	1		
[illegible]		10	6
[illegible] pd	1		
G. Armoogam	0	10	
Parsa [illegible]	0	10	
	47	6	9

SUBSCRIPTIONS TO DURBAN WOMEN'S PATRIOTIC LEAGUE FUND

DRAFT OF LETTER TO BISHOP BAYNES

another law for cases where imprisonment is not specifically mentioned. It was hoped that the depriving the Supreme Court of the Colony of jurisdiction over all bodies exercising judicial functions would be found by the Privy Council to be illegal; but, as the reader may remember, that body has decided otherwise. The Supreme Court has also decided that licences issued under the Act are personal only, and, therefore, although they may be held, say by a company, the sale of its goodwill would not carry with it the right to trade under the Company's licence during the remainder of the licence period. Thus, there is no loophole left under the Act, and the judicial interpretation has narrowed down the rights of the parties affected thereby to the smallest compass. The poor Indians have sent petitions—two to the Colonial Secretary and one to Lord Curzon, on whom they have built very large hopes. No reply has as yet been received from the Viceroy, and none from the Colonial Secretary to the last petition, except an intimation by the Natal Government to the effect that the Colonial Office was in correspondence with them in the matter.

It would be safe to say that there are over 300 Indian store or shopkeeper's licences and about 500 Indian hawker's licences in the Colony of Natal. The holders of these form the respectable portion of the Indian community, and represent the 4,000 free Indians in the Colony, as distinguished from about 50,000 Indians who were brought into Natal under indenture as labourers, and their descendants. In its operation the Act has ruined many Indian storekeepers, and unsettled the minds of all of them. In certain cases the Licensing Officers have taken the greatest liberties with the Act, and it would not at all be an exaggeration to say that they have used their power in an arbitrary and tyrannical manner, and that the Licensing Boards have connived at and, at times, encouraged and even dictated, their actions. Not only have new licences been refused, transfers of old licences prohibited and renewals of old licences not allowed, but insult in some cases has been added to injury, while the injured parties have felt absolutely powerless. An old Indian settler, who had risen from the status of a labourer to that of a respectable trader, removed from an up-country district, where he had been trading for several years, to Durban, bought a piece of property, and thought he would take out a licence in Durban in the Indian portion of the town, where he was to cater principally for Indian customers. He applied for a licence, showed he had engaged a European book-keeper to keep his books, and produced certificates as

to respectability and honesty from three well-known European merchants who had dealt with him; but the Licensing Officer declined to grant the licence. The matter was taken in appeal before the Durban Town Council, and the Licensing Officer was asked by the applicant's attorney to give reasons for his refusal. He declined to do so. The Town Council upheld the decision of the Licensing Officer, and would not even make him give his reasons. While the case was being conducted, the Court (i.e., the Town Council), the Licensing Officer (who was the respondent) and the Town Solicitor retired to a private room for consultation, and on return, forgetting that the counsel's address was still to be heard, the Council announced their decision upholding their Officer's action. The applicant's counsel drew their attention to the irregularity, and the farce of addressing a Court that had made up its mind was allowed to be gone through—with no better result.

The persevering applicant took the case before the Supreme Court which, while it declined to interfere with the decision of the Town Council—having no power to do so under the Act—quashed the whole proceedings, and sent the case back for rehearing, with the direction that the appellant was entitled to reasons for refusal. To the Acting Chief Justice:

> It seemed . . . that the action of the Town Council in this case had been oppressive. . . . It seemed to him that the refusal of both requests [for a copy of the record and reasons] was unjudicial and an improper proceeding.

Justice Mason, the first Puisne judge,

> considered the proceedings under appeal were a disgrace to the Town Council, and he did not hesitate to use this strong language. He considered under the circumstance that it was an abuse of words to say there had been an appeal to the Town Council.

So the Town Council reheard the appeal, and made the Licensing Officer give his reasons, which were that "the applicant had no claim whatever upon Durban, as the class of trade he was engaged in was sufficiently provided for in the town". The decision was the same as on the previous occasion, and the unfortunate man has to remain without his licence. I understand that now he is a poor man, having been obliged to live on his capital. The reason was, in plain words, absolutely false, many licences to Europeans having since been granted, and the application having been in respect of a place that was vacated by an Indian storekeeper who had left Durban. Another Indian who, it was proved,

was a Colonist of fifteen years' standing, lived in a decent style, had large businesses in several parts of the Colony, and had good credit with a number of European firms, also applied for a licence—with the same unsuccessful result. The real reason was forced out for the first time during the hearing of his appeal. The Licensing Officer said:

> The Act 18 of 1897 as I understand was passed with a view of placing some check on the issue of trading licences to certain classes of people generally regarded as undesirables, and as I believe I am right in assuming that the applicant in question is one that would be included in that class, and, moreover, as he has never before had a licence in Durban, I have felt it my duty to refuse his licence.

One of the councillors, in approving of the decision of the Licensing Officer, said:

> The reason was not because the applicant or the premises were unsuitable, but because the applicant was an Indian. . . . Personally he considered the refusal of the licence a grievance to the applicant, who was a most suitable person to appear before the Council to ask for a licence.

Another councillor would not take part in the proceedings because he

> disagreed with the dirty work they (councillors) were called upon to do. If the burgesses wished all such licences stopped, there was a clean way of going about the matter: viz., getting the Legislative Assembly to enact a measure against the granting of licences to the Indian community. But sitting as a Court of Appeal, unless there were good grounds to the contrary, the licence should be granted.

But, of course, it was not, as the anti-Indian element was too strong in the Council. The Newcastle Town Council took away at one stroke almost all the Indian licences in 1898. It was then that the matter was taken to the Supreme Court, and thence to the Privy Council, which decided that there was no appeal from the Town Council's decisions under the Act. This year it has granted most of the Indian licences, and it must also be said to its credit that, while the question was pending before the Privy Council, it allowed the Indians concerned to carry on their trade. The Chairman of the Dundee Local Board, in dealing with a similar appeal, said he would not give the applicant even "the chance of a dog". The same Board, moreover, passed a resolution last year instructing the Licensing Officer to cancel as many

Indian licences as possible. This was too much for even the public Press of Natal, and a hint was given that the Board was going too far. The result was in a measure satisfactory, and licences have been granted this year, though with the proviso that they would not be renewed next year in respect of the same building. In another respect, two Indian merchants sold their business to Indians and asked for a transfer of licence, which was refused—the decision being upheld in appeal by the Local Board. In some parts of the Colony, licences granted last year have been withheld this year. Such, in a brief outline, is the effect of the Act in question. As a result of the correspondence between the Colonial Office and the Natal Government, the latter have told the different local bodies that, unless they exercised their powers with better discretion so as not to affect vested interests, the right of appeal to the Supreme Court would be given to the aggrieved parties. This letter officially admits the grievance and also approves of the remedy suggested by the Indians. But the three Municipalities of Natal take the letter for what it is worth, and hardly listen to such a threat of the Natal Government.

Neither the Licensing Officers nor the Town Councils are much to blame in the matter. They are merely victims. Any body of persons placed under similar circumstances would act in the same manner as the Natal Licensing Officers and Boards. The Officers are either Town Clerks or Town Treasurers and, therefore, as the Chief Justice remarked in the case referred to above, hardly independent of those bodies, the members of which, in their turn, depend for their offices on the goodwill of the people that are directly opposed to the Indians. And to these bodies the Natal Legislative Assembly has said:

> We leave the Indian entirely at your mercy. You may, without your action being called in question by anybody, either let them earn an honest living in your midst or deprive them of it without any compensation whatever.

So long, therefore, as the Act, which is admitted by all, including even the Natal politicians, to be opposed to free trade and the cherished principles of the British Constitution, is allowed to blot the Statute-book of the Colony, so long will the grievances remain, the Government letters, like the one mentioned above, addressed to the Corporations notwithstanding. The Indians very reasonably say: 'Impose what sanitary restrictions you like on us; let our books be kept in English, if you will;

introduce, if so minded, other tests which we may reasonably be expected to fulfil; but, after we have complied with all the requirements, allow us to continue to earn our living and, if there be interference on the part of the Officers administering the law, give us the right of appeal to the highest judicial tribunal in the land.' It is difficult, indeed, to find fault with such a position, and more so to understand the distrust of the Natal Legislature in the Supreme Court of the Colony. This licensing question is a festering sore which needs must be healed. It affects the present Indian population, and fairly promises to ruin it unless there is timely intervention. The petty Indian traders are surely, if slowly, being weeded out unnoticed. This tells very materially upon their feeders—the large Indian firms and their dependants. Indian landlords have an anxious time of it, as their premises, however well-constructed they may be, cannot be let, as no one would have them when the licences cannot be got. The current year is fast approaching its end, and the Indians are all anxiously waiting to know how they will fare next year as to the renewal of their licences. The war is depopulating Natal, and no one knows when business may be resumed and people may be able to return to their homes. Still, it might be as well for the Indian public to remain on the alert, and by well-sustained efforts to see that this evil, at any rate, is removed before it is too late, and before the Indians in Natal, through sheer suppression, are unable even to let their voice be heard in India.

The Times of India, 6-1-1900

62. *LETTER TO W. PALMER*

14 MERCURY LANE,
DURBAN,
November 24, 1899

TO
WILLIAM PALMER, ESQ.
TREASURER
DURBAN WOMEN'S PATRIOTIC LEAGUE
DURBAN

DEAR SIR,

We have been requested by the Indian subscribers to the Durban Women's Patriotic League Fund to forward to you the

enclosed cheques which represent a special contribution to the fund by the Indian merchants and storekeepers of Durban.

We feel that we have not subscribed enough, but the subscription for the support of the families of the Indian volunteers in the event of their services being required, the heavy strain put upon our resources for feeding and housing thousands of Indian refugees, not only from the Transvaal, but also from our up-country Districts at present occupied by the enemy, and the enormous losses sustained owing to the virtual suspension of business, have crippled our pecuniary strength. We know, however, that the volunteers who have dedicated their lives to the Colony and the Empire, as also those they have left behind, have performed an act of self-sacrifice before which anything we have done dwindles into insignificance. What little, therefore, we are able to send herewith is merely as a token of our heartfelt sympathy and admiration of our brave men who are fighting for us all.

Yours, etc.,

From a photostat of the office copy : S.N. 3325-6; also *India*, 26-12-1899

63. TELEGRAM TO COLONIAL SECRETARY, NATAL

December 2, 1899

TO
HONOURABLE COLONIAL SECRETARY
PIETERMARITZBURG

PROTECTOR IMMIGRANTS SAW ME WITH REFERENCE TO INDIANS FOR HOSPITALS. MOST OF THOSE WHO HAVE OFFERED SERVICES WOULD I THINK BE PREPARED TO GO. IF GOVERNMENT WOULD HAVE US KINDLY STATE NATURE OF WORK WHEN WE MUST START AND OTHER PARTICULARS THAT MAY BE NECESSARY.

GANDHI

From a photostat of the office copy : S.N. 3332

64. TELEGRAM TO COLONIAL SECRETARY, NATAL

December 4, 1899

TO
HONOURABLE COLONIAL SECRETARY
MARITZBURG

WIRE RECEIVED. IMMEDIATELY AFTER INTERVIEW WITH PROTECTOR AND SEEING THAT GOVERNMENT HAD SENT HIM LIST OF INDIAN VOLUNTEERS FORWARDED TO YOU OCTOBER 19 I NOTIFIED THEM THAT GOVERNMENT SEEMED TO REQUIRE THEIR SERVICES AND TOLD THEM TO HOLD THEMSELVES IN READINESS PENDING YOUR FURTHER INSTRUCTIONS. WE HAVE MADE ARRANGEMENTS TO START AT A MOMENT'S NOTICE. BEING EAGER TO RENDER WHAT SERVICE WE CAN WITHOUT PAY MAY MENTION SOME OF US HAVE BEEN TAKING LESSONS IN HOSPITAL WORK UNDER DR. BOOTH. FROM YOUR TELEGRAM TODAY IT APPEARS GOVERNMENT ONLY REQUIRE LABOURERS. IT WOULD BE A GREAT DISAPPOINTMENT IF AFTER ALL ARRANGEMENTS GOVERNMENT WOULD NOT ACCEPT US. BESIDES THE TWENTY-FIVE NAMES SENT IN OCTOBER SOME TWENTY OTHERS HAVE VOLUNTEERED THEIR SERVICES WITHOUT PAY. ANXIOUSLY AWAITING EARLY AND FAVOURABLE REPLY.

GANDHI

From a photostat of the office copy : S.N. 3333

65. LETTER TO BISHOP BAYNES

[DURBAN,
Before *December 11, 1899*][1]

MY LORD,

Rev. Dr. Booth informs that in Your Lordship's opinion he ought not to join the Indian Ambulance Corps unless he feels

[1] This was evidently sent before the following item.

strongly and there is real need for him. He says also that he will not accompany the Corps for the present but may do so if there is a real need for him.

In my humble opinion, Dr. Booth is indispensable for the Corps. His knowledge of medicine was of the greatest value to us, and if Dr. Booth did not accompany us, we, a Corps of nearly 1000 men, would be without a medical adviser. I do not mention the great confidence he would inspire in the Ambulance leaders, whom he knows and has trained under him. In the treatment of the wounded that might be entrusted to the care of the leaders, Dr. Booth's services, Your Lordship will agree, will be inestimable. His place can be filled here; in the Ambulance camp there would be a gap without him.

I understand Dr. Booth is not leaving the mission, at any rate, till June next and, seeing that he is not likely to be required at the front any great length of time, perhaps Your Lordship will be pleased to grant the necessary permission.

I remain,
Your L's obedient servant,

From a photostat of a draft : S.N. 3372b

66. *TELEGRAM TO COLONIAL SECRETARY, NATAL*[1]

December 11, 1899

TO
THE HONOURABLE COLONIAL SECRETARY
PIETERMARITZBURG

I AND MR. GANDHI WILL WAIT UPON YOU TOMORROW MORNING NINE.

[BOOTH]

From a photostat of the office copy : S.N. 3339

[1] This was darfted and despatched by Gandhiji.

67. TELEGRAM TO PRAGJEE BHIMBHAI

December 11, 1899

TO
PRAGJEE BHIMBHAI
BELLAIR

ASK VOLUNTEERS BE READY. START POSSIBLY TOMORROW.

GANDHI

From a photostat of the office copy : S.N. 3338

68. SPEECH AT INDIAN AMBULANCE CORPS[1]

[JOHANNESBURG,]
December 13, 1899

When the ultimatum was presented by the Transvaal, some of them thought it was a time when they should sink all differences, and, as they insisted upon rights and privileges as subjects of the Queen, do something to prove their loyalty. Very few of them could handle arms, although, if the Goorkhas or the Sikhs had been there, they would have shown what they could do in the way of fighting. They—that is the English-speaking Indians—came to the conclusion that they would offer their services to the Colonial or Imperial Government, unconditionally and absolutely without payment, in any capacity in which they could be useful, in order to show the colonists that they were worthy subjects of the Queen. They called a meeting, and at that time there was so much enthusiasm shown that almost everyone present put their names on the list as willing to serve, and from that list they had chosen suitable men. He asked Dr. Prince to examine them to know how many were fit to serve on the battlefield. Dr. Prince passed 25, and they sent the list of names to the Government, but got the reply that at that time their services could not be accepted. Shortly after this, ambulance classes were started by Dr. Booth and they had been attending his lectures almost every night. The Government had intimated that they required 50 to 60 Indians to go to the front, and on the Protector coming to him, he said that they were ready at a moment's

[1] Harry Escombe, Premier of Natal in 1897, invited Gandhiji and other leaders of the Indian Ambulance Corps at his residence in Johannesburg and requested Gandhiji to speak.

notice to do whatever was needed of them, and that, without remuneration of any kind. The Colonial Secretary, however, did not think the work suitable for them, and on hearing this, Dr. Booth wrote to the Colonial Secretary and gave him an idea of the work they could do. Dr. Booth was then kind enough to go with him to Maritzburg, where they saw Bishop Baynes and, also, Colonel Johnston. The latter thought they would do admirably to act as leaders for the Indians engaged as bearers. Their dream had been realized, and although, unfortunately, they were not to be engaged in the fighting line, he hoped they would be able to discharge their duties well. To Dr. Booth they were very grateful for what he had done, and he also had offered his services gratis to the Government, and was going with them that night.

The Natal Mercury, 14-12-1899

69. LETTER TO DISTRICT ENGINEER

[After *December 14, 1899*][1]

DONNOLLY, ESQ.
DISTRICT ENGINEER

DEAR SIR,

Of the tickets received by me by virtue of your order for five 1st class tickets, twenty 2nd class tickets and twenty 3rd class tickets in connection with Indian Ambulance Corps, I return herewith one unused 1st class ticket and ten unused 3rd class tickets.

Of the ten 3rd class tickets used, three were used as from P. M. Burg, as three bearers joined us at that station. The numbers of the three tickets were 9303, 9290, 9285. I duly reported this matter at P. M. Burg before taking in the three bearers.

From a photostat of the office copy in Gandhiji's hand : S.N. 3358

[1] Gandhiji had left for the front on December 14 at 2.10 a.m.

70. LETTER TO P. F. CLARENCE

[DURBAN,
December 27, 1899]

MR. P. F. CLARENCE
PUBLIC WORKS DEPARTMENT
PIETERMARITZBURG

DEAR SIR,

I enclose herewith accounts for £...[1] which please examine and for which let me have a cheque if correct.

I do not know if Mr. Bhayad of P. M. Burg has incurred any expenses for recruiting bearers. I am writing to him and will render further accounts in the event of there being anything due to Mr. Bhayad.

Yours faithfully,

[ENCLOSURE]

MEMO OF EXPENSES

DURBAN,
December 27, 1899

MEMO OF EXPENSES AUTHORIZED BY THE SUPERINTENDENT,
INDIAN AMBULANCE CORPS

			[£ s d]
12th Dec.	To	cabman paid visiting Superintendent, etc.	0 9 0
	,,	telegrams to volunteers to be ready and collect carriers[2]	
	,,	fare P. K. Naidoo to Durban 2nd class for recruiting bearers	0 11 10
	To	telegram Mr. Vinden to Col. Sec.	0 1 10
	To	fare from Bellair to Durban 7 bearers	0 4 1
	To	fare volunteer going to Bellair for the bearers	0 1 9
	To	fare one volunteer fr[om] Bellair	0 1 2
	To	fare volunteer fr[om] Tongaat	0 5 0

[1] *Vide* Enclosure.
[2] There is no entry against this item.

			[£ s d]
14th Dec.	To	provisions as per Mr. Amod's Bill A[1]	1 16 0
18th Dec.	To	provisions as per Bill B[2]	0 12 0
19th Dec.	To	mugs, etc., as per Stu[. . .]k's[3] Bill C[4]	0 19 0
	To	paid Durjan at Chieveley for Kaffir pot for cooking food for carriers. Pot handed Super[intendent]	0 7 0
	To	one week's wages for 9 bearers employed as police @ 25, viz., (1) Goolabbhai (2) Desai Pragjee Dayaljee (3) Dahyabhai Dajee (4) Desai Govindjee Premjee (5) Nagar Ratanjee (6) Dahyabhai Morarjee (7) Deshabhai Pragjee (8) Perulamal[5] (9) Permal[6]	11 5 0
	To	wages for bearer Sukhraj	1 0 0
	To	fare one volunteer to Tongaat	0 5 0
			17 16 8[7]

From a photostat of the office copy : S.N. 3356 and 3357

71. *STATEMENT OF ACCOUNT*[8]

December 27, 1899

(Paid) Carriers brought up by Mr. Gandhi
Not Volunteers—free of charge.

No.	Rank	Name	Period	No. of days	Rate per week	Amount
						[£ s d]
1.	Night Guard	Goolabbhai	13 to 20	8	20/-	1- 5
2.	,,	Desai Pragjee Dayal	,,	,,	,,	1- 5

[1], [2] & [4] These are not available.

[3] Not decipherable

[5] & [6] The correct spelling of these hurriedly written names is given as Perumal in Gandhiji's note at the end of the "Statement of Account"; *vide* the following item.

[7] The total should be £17-18-8.

[8] This statement of account was originally prepared by one of Gandhiji's co-workers, who by mistake charged wages for 11 carriers at the rate

No.	Rank	Name	Period	No. of days	Rate per week	Amount
4.[1]	Night Guard	Dahyabhai M.	,,	,,	,,	1- 5
5.	,,	Govindjee Premjee	,,	,,	,,	1- 5
6.	,,	Nagar Ratanjee	,,	,,	,,	1- 5
7.	,,	Doolabhbhai Pragjee	,,	,,	,,	1- 5
8.	,,	Dahyabhai Dajee	,,	,,	,,	1- 5
9.	Bearer	Perulamal	,,	,,	,,	1- 2-10
10.	,,	Lekraj	,,	,,	,,	1- 2-10
11.	,,	Permal	,,	,,	,,	1- 2-10
						12-11-2
		a/c attached Sundry disbursements	..	..	..	5-13-4
						£ 18-4-6
						17-16-10
		Less money paid by you to the 2 Perumals				2- 5- 8
						15-11-2
		By your cheque				18-4-6
		Balance due to you				2-13-4
						[£] 18-4-6

From a photostat of the office copy : S.N. 3359

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of £1-2-10 for each; *vide* illustration, facing p. 160. Including a sum of £5-13-4 for sundry disbursements, the total amount of £18-4-6 was claimed and received from the Government. Gandhiji discovered certain errors in the account and corrected them, showing that an amount of £2-13-4 was due to be returned to Government. This is the statement as corrected by Gandhiji.

[1] This and the subsequent serial numbers were left uncorrected by oversight.

72. TELEGRAM TO COL. GALLWEY[1]

[DURBAN,
Before *January 7, 1900*][2]

COLONEL GALLWEY
P.M.O. HEADQUARTERS
NATAL

FIVE HUNDRED FREE INDIANS ARE READY TO DO AMBULANCE WORK AS BEFORE UNTIL THE WAR IS OVER AND TO FOLLOW THE GENERAL. THEY HAVE REGISTERED THEIR NAMES AT MY OFFICE AND ARE READY TO START ON INSTANT NOTICE. MOST OF THE FORMER LEADERS ARE ALSO READY. DOCTOR BOOTH HAS OBTAINED LEAVE AND WILL ACT AS MEDICAL OFFICER AS BEFORE AND CONSENTS AT OUR REQUEST TO ACT AS SUPERINTENDENT IF CALLED UPON OR IN ANY OTHER WAY YOU WISH. SO THAT OUR DURBAN CORPS IS NOW COMPLETE IN ITSELF AND ANXIOUS TO START WORK IF THERE IS ANY SCOPE.

GANDHI

From a photostat of the office copy in Gandhiji's hand: S.N. 3372c

[1] Gandhiji had received a letter on December 29, 1899, inquiring how many Indians he could supply to work as stretcher-bearers.

[2] The Ambulance Corps was re-formed on January 7. This telegram was sent some time in the first week of January 1900. Gandhiji had earlier sent a telegram by way of an interim reply which, however, is not available. There is yet another draft of a telegram available in S. N. 3372c which apparently Gandhiji did not send.

73. LETTER TO EDITOR, "THE NATAL ADVERTISER"[1]

[DURBAN,]
January 30, 1900

DEAR SIR,

I received your letter asking [me] to contribute notes on the doings of the Indian Ambulance Corps at Spearman's Hill when we were all in the thickest of the work. Some of us had, besides taking charge of stretchers, to look after the provisioning, etc., of the Corps, getting hardly time to sleep or eat. Hence my inability to acknowledge your note which, I trust, you would excuse understandingly.

But even if time had permitted, I would have refrained from writing the notes on the strength of the advice of a valued English friend who, soon after he saw my notes[2] in the *Advertiser* on the doings of the Corps in the Colenso fight, thought that there should be very little said by the Indians themselves of their work done in connection with the war and that their part was merely to do without speaking. Since then I have so far resisted all temptations to write anything about the work for publication.

I remain,
Yours truly,

From a photostat of the draft in Gandhiji's hand : S. N. 3372

[1] This was in reply to the addressee's letter dated January 22.
[2] These are not available.

74. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
February 22, 1900

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I notice that the Queen's Chocolate for the soldiers and volunteers is being now distributed. I do not know whether this chocolate is to be distributed among the Ambulance Corps formed in the Colony. But whether it is or not, I have been asked by the Indian volunteer leaders (about 30), who joined the Indian Ambulance Corps without pay, to request you to obtain the gift for them, if possible. It will be greatly appreciated by them and prized as a treasure if the terms under which the gift has been graciously made by Her Majesty would allow of its distribution among the Indian leaders.[1]

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 1462/1900

75. TELEGRAM TO COLONIAL SECRETARY, NATAL

[DURBAN,]
March 1, 1900

TO
HONOURABLE COLONIAL SECRETARY
[PIETERMARITZBURG]

INDIAN VOLUNTEER LEADERS BELONGING TO INDIAN AMBULANCE CORPS DESIRE ME TO CONVEY THEIR

[1] The request was not acceded to on the ground that the gift was confined to enlisted Non-commissioned Officers and men.

1899-1900?

(Paid) Carriers brought up by Mr. Gandhi 27-12-1899

not Volunteers- free of charge

No.	Rank.	Name.	Period.	No. of Days.	Rate per Month. (week)	Amount.			We, the undersigned, hereby acknowledge to have received the sums set opposite our respective names, being our pay for the period specified, and for which we have signed duplicate receipts of the same tenor and date.
1	[illegible]	Gokalbhai	18.6.20	8.	[illegible]	1	2	10	
2	"	[illegible]	"	"		1	2	10	
3	"	[illegible]	"			1	2	10	
4	"	Dahyabhai [illegible]	"	"		1	2	10	
5	"	[illegible]	"	"		1	2	10	
6	"	[illegible]	"	"		1	2	10	
7	"	[illegible]				1	2	10	Pd
8	"	[illegible]	"	"		1	2	10	Pd
9	Nurse	[illegible]	"	"		1	2	10	
10	"	[illegible]	"	"		1	2	10	
11	"	Parmal	"	8.	"	1	2	10	
						12	11	[illegible]	
		a/c attached Sundry disbursements				5	13	4	
		S. N. 3359 L. N. 454.				£ 18	4	6	
						17	16	10	
		Less money paid to the 3 [illegible]				2	5	8	
						15	11	2	18-4-6
		[illegible]							
		Balance [illegible]				2	13	4	
						18	4	6	

STATEMENT OF ACCOUNT

Sir William Hunter [is]
dead. This removes from
the world our best champion.
It is proposed to send the enclosed
cable of condolence to Lady Hunter
on behalf of the Congress. Those
who are in favour of the
incurring the expense, please
sign.

[illegible]

Abdul Caadir

P. B. Mohamed & Co

E. Aboobaker Amod & Bro

Moosa Hajee Cassim

V. Madanjit

Dawad Mahomed & Co

[illegible]

G. H. Miankhan & Co

CIRCULAR FOR SUBSCRIPTIONS

RESPECTFUL CONGRATULATIONS TO GENERAL BULLER ON HIS BRILLIANT VICTORY AND THE RELIEF OF LADYSMITH.

GANDHI

Pietermaritzburg Archives: C.S.O. 1605/1900; also a photostat of the office copy: S.N. 3400

76. CIRCULAR FOR SUBSCRIPTIONS

DURBAN,
March 8, 1900[1]

Sir William Hunter is dead. This removes from the world our best champion. It is proposed to send the enclosed cable[2] of condolence to Lady Hunter on behalf of the Congress. Those who are in favour of incurrnig the expense, please sign.[3]

From a photostat of the original in Gandhiji's hand: S.N. 3402

77. INVITATION TO PUBLIC MEETING[4]

DURBAN,
March 10, 1900

DEAR SIR,

The pleasure of your company is requested at a meeting of the Indians resident in the Colony, to be held in the Congress Hall, Grey St., on Wednesday the 14th instant at 8 p.m., to adopt congratulatory resolutions with reference to the recent brilliant successes of the British arms and the consequent relief of the beleaguered towns of Ladysmith and Kimberley.

The Honourable Sir John Robinson, K.C.M.G., M.L.A., has kindly consented to preside on the occasion.

I remain,
Yours truly,
M. K. GANDHI
HON. SEC., N.I.C.

R.S.V.P.

From a photostat of a printed copy: S.N. 3404

[1] The date-line is in Gujarati.

[2] The text of the cable is not available.

[3] This is followed by a similar text in Gujarati with signatures of eight prominent members of the Natal Indian Congress; *vide* illustration facing the page.

[4] The letters of invitation bore the heading "Long Live Kaiser-i-Hind" and pictures of Queen Victoria and three prominent British Generals who had taken part in the Boer War.

78. SPEECH AT PUBLIC MEETING[1]

DURBAN,
March 14, 1900

Mr. M. K. Gandhi, Secretary of the Indian Congress, in supporting the resolution[2] said that they were deeply grateful for the splendid response which had been made to the invitations issued to the European community in Durban. They had response also from Indians in Umzinto, Verulam and other centres. There was some talk of a special meeting being held by the Indians. He thought that the Indians could not be too joyful in connection with the British victories in South Africa, provided they did not become conceited. The Indians had a special interest in this affair. Lord Roberts, the hero of Kandahar[3], who was at the head of the forces, and Sir George White, who had conducted the siege of Ladysmith with much gallantry, had been for some long time Commanders-in-Chief in India. The Indians would have failed in their duty to themselves if they had not given expression to their feelings at the successes which had attended the feats of the two Generals. He hoped that they would believe him when he said that the want of knowledge of the English language did not prevent Indians from following the course of events with accuracy and interest. It was the Indians' proudest boast that they were British subjects. If they were not, they would not have had a footing in South Africa.

RESOLUTION No. 1: This meeting of the Indian subjects of Her Majesty the Queen-Empress tenders its respectful congratulations to the Right Hon. Field Marshal Frederick Sleigh Lord Roberts of Kandahar, V. C., K.P., G.C.B., G.C.S.I., G.C.I.E., Commander-in-Chief of the Forces in South Africa, on his having secured the relief of Kimberley, and after a stubborn fight having captured General Cronje and his commando, and having thus turned the tide of fortune in favour of the British arms, and records with gratification the fact that it is the hero of Kandahar, and sometime Commander-in-Chief of the Forces in India, who is leading the British Forces in South Africa from victory to victory.

[1] A large and representative meeting of Indians and Europeans was held to congratulate the British Generals. Gandhiji made a brief speech supporting the resolution moved on the occasion.

[2] Resolution No. 1 was moved by Abdool Kadir, President of the Natal Indian Congress, and seconded by Louis Paul.

[3] In 1880 Lord Roberts had made a historic march from Kabul to Kandahar, then capital of Afghanistan.

RESOLUTION NO. 2: This meeting of the Indian subjects of Her Majesty the Queen-Empress tenders its grateful congratulations to the Right Hon. General Sir Redvers Henry Buller, V. C., G.I.B., upon his brilliant victory, in the face of almost insurmountable difficulties, over an enemy holding naturally invulnerable positions, and upon his having, undismayed by temporary reverses, effected the relief of the beleaguered garrison in Ladysmith, thus vindicating the might of the British Empire and valour of the British soldier.

RESOLUTION NO. 3: This meeting of the Indian subjects of Her Majesty the Queen-Empress expresses its prayerful thankfulness to the Almighty for having restored to the Empire General Sir George Steward White, V.C., G.C.B., G.C.S.I., G.C.I.E., and his brave troops, including so many sons of the soil—the Natal and other South African volunteers—who, with unexampled fortitude and patience, for close upon four months went through the arduous trials of the siege, often repelling the advances of the enemy; and tenders its respectful congratulations to the gallant General on his having sustained British honour and prestige under circumstances presenting exceptional difficulties; and wishes to record its pride in the fact that it was India's former Commander-in-Chief who was instrumental in saving the Colony from falling into the hands of the enemy.

The Natal Mercury, 15-3-1900, *The Natal Advertiser*, 15-3-1900, and *The Natal Witness*, 26-3-1900

79. INDIAN AMBULANCE CORPS IN NATAL

[DURBAN,
After *March 14, 1900*][1]

General Sir William Olpherts is reported to have said:

While fully sharing the enthusiasm for the bravery of our troops fighting in South Africa, I think that sufficient attention has not been called to the devotion of the Indian dhoolie-bearers who do their work of mercy on the battlefields. Under the heaviest fire they seek the wounded, fearing nothing, although without means of defence. These Indian fellow-subjects of ours are doing in Natal a work which requires even more courage than that of the soldier.

[1] This report was evidently written after the preceding item.

Since sending my last contribution[1], I have been twice to the front; and though what General Olpherts said of the dhoolie-bearers could not be said of all the Indian Ambulance Corps, I have no doubt that the Corps has done a work that was absolutely necessary, and that would do credit to any Ambulance Corps in the world. I referred in my letter[2], dated October 27th, to the unconditional offer, without pay, of the English-speaking Indians of Durban to do service on the battlefield. Since then, events have happened which resulted in its acceptance. It was anticipated that the battle of Colenso would claim not a few lives, and that the safe carrying of the seriously wounded would be a grave problem, as the limited number of European ambulance bearers would not be equal to the required strain. General Buller, therefore, wrote to the Natal Government, asking them to raise an Indian Ambulance Corps, which would not be required to work within the range of fire. The managers of the various plantations (which control much Indian labour), as well as the leaders of the Indian community, were approached by the Government, and the response was prompt. A Corps of over 1,000 Indian stretcher-bearers was formed in less than three days, the bearers receiving 20s. per week as against 35s. per week received by the European bearers. It is worthy of mention that the sturdy band of leaders began their work under exceptionally happy auspices. The late Mr. Escombe, who was sometime Prime Minister of Natal and represented the Colony at the Conference of Colonial Premiers at the time of the Diamond Jubilee, gave a reception[3] in his house to the volunteers, where the Mayor of Durban, Mr. Pakeman of the Johannesburg *Leader*, and other ladies and gentlemen were invited, and in his address—which was his last public utterance—spoke words of encouragement to them, and generously observed that Natal could not forget the loyal services that the Indian community in its own way was rendering to the Colony and to the Empire. The Mayor also spoke to the effect. Later, in the same evening, Mr. Rustomjee of Durban gave a dinner-party in honour of the leaders going to the front, when all the prominent Indians representing different divisions sat at the same table. The Corps reached Chieveley at about 3-30 p.m. on December 15, and as soon as they were detrained, the bearers were given their Red-Cross badges and ordered to march to the field

[1] *Vide* "Indian Traders in Natal", pp. 144-9.
[2] *Vide* "Indians in South Africa", pp. 136-42.
[3] *Vide* pp. 153-4.

hospital—a distance of over 6 miles. The conditions under which this Corps worked were possibly somewhat more arduous than is usual. Wherever they went, they carried rations for a month or a fortnight, as the case might be, including firewood, and, at first, without wagons or a water-cart. The Chieveley district is extremely dry, and there is hardly any water to be found within easy distances. The roads all over Natal are rugged and more or less hilly. On reaching the field hospital, we heard of the battle at Colenso. We saw the wounded being brought by the ambulance wagons and the European bearers from the base of operations to the field hospital, and the men as well as the leaders fully realized the situation. Before the tents could be pitched (I mean the tents for the leaders and not for the bearers—the latter had to sleep as they could, in the open, in some cases even without blankets), or the men could have anything to eat or drink, the Medical Officer wanted over 50 wounded men carried to Chieveley station. By 11 o'clock at night, all the wounded the Medical Officer could get ready were taken as directed, and it was only after that time that the Corps could get a meal. After this, the Superintendent of the Corps went to the Medical Officer and offered to carry more stretchers, but he was thanked and told to keep the men in readiness at 6 o'clock next morning. Between that time and noon, over 100 stretcher cases were disposed of by the men. While they were returning from their work, orders were received to strike camp and march to Chieveley immediately to entrain there for Estcourt. This was, of course, a retreat. It was wonderful to see how, with clockwork regularity, over 15,000 men with heavy artillery and transports broke camp and marched off, leaving behind nothing but empty tins and broken cases. It was an extremely hot day for marching—this portion of Natal is treeless as well as waterless. The Corps commenced its march at noon under these trying conditions. On reaching the railway station at about 3 o'clock, the station-master informed the Superintendent that he could not say definitely when he could place the carriages—I mean open trucks in which the men were to be packed like sardines—at his disposal. The European Ambulance men and the Indians had to remain about the station yard till 8 p.m. The former were then entrained for Estcourt, and the latter were told to shift for the night as best they could on the veldt. Tired, hungry, and thirsty (there was no water available at the station except for the hospital patients and the station staff), the men had to find means of satisfying both hunger and thirst, and of obtaining

some rest. They brought dirty water from a pool about half a mile from the station, cooked rice and by midnight, after partaking of what was, under the circumstances, regarded as an excellent repast, wanted to sleep. Practically the whole of General Buller's Cavalry passed by during the night, and the men had very little rest. Next day the men were closely packed in the trucks, and, after 5 hours' waiting, the train proceeded to Estcourt where, in a violent storm, exposed to the sun and wind, without shelter, the Corps had to remain for two days, after which orders were received to temporarily disband it. General Wolf-Murray had officially recognized the services rendered by the Corps.

On January 7th, the Corps was re-formed and proceeded to Estcourt, this time under somewhat better auspices, in that the nine hundred and odd bearers also were provided with tents. Fully a fortnight elapsed, however, before actual work was commenced. The interval was passed in drilling the men and their leaders under the indefatigable Dr. Booth, who volunteered on the same terms as the leaders (i.e., without any remuneration) to accompany the Corps in the capacity of medical officer. The drill consisted in teaching the bearers how to lift the wounded, and to place and carry them on stretchers. They were taken long distances over extremely rugged ground. All this training was found to be of inestimable value, and none too strict. Thus, fitted as the Corps was more or less for military discipline, it did not find it difficult, when the orders were received at 2 a.m., to entrain for Frere at 6 o'clock in the morning, to break camp, load the two wagons and march to the station within three hours. From Frere a distance of 25 miles had to be covered on foot before the head-quarters at Spearman's Camp could be reached. I shall let the special correspondent of *The Natal Witness* speak of the experiences and trials of this journey.

> Early in the afternoon, heavy clouds began to bank upon the horizon, and at half past three, a storm seemed imminent. Meanwhile the wagons had arrived and been loaded up. The start was not auspicious. At the first dip between the station and our camping ground, the leading wagon stuck fast and half an hour elapsed before it could be extricated. By that time, a terrific wind had arisen, which appeared to be blowing the threatening thunderstorm away from us to the southward. . . . In less than three-quarters of an hour, the wind suddenly veered, bringing the storm back with tremendous force, and hail along with it. . . The hail certainly ceased after a while, but the rain continued in a steady downpour. . . . At length, it was decided to halt and

wait for the wagons, and the rain having now stopped, although the clouds gave evidence of more to follow, ovens were made out of ant-heaps, at which we endeavoured (for the most part, unsuccessfully) to dry our sopping garments.... At 8 o'clock, just as we were becoming partially dry and recovering our spirits under the influence of the fires, down came the rain again in tropical torrents. All the time, a bitter wind blew, and for discomfort our situation could scarcely have been excelled. The leading wagon had got stuck in a drift from which, owing to the awful state of the road and weather, the combined spans of oxen (32) had been quite unable to remove it.... The next morning, fifty stretchers went out to the temporary hospital. Here Major Bapty, Secretary of the Principal Medical Officer, sent word to the leaders that it was optional for them to take the stretchers or not to the base at Spion Kop, about two miles on the other side of the river, as it was within range of the Boer guns, and he could not be sure that they would not drop a shell or two on the pontoon bridge. This preliminary was due to the fact that the men were told, as I have said before, that they would have to work without the line of fire. But the leaders and the men were quite ready not to mind the risk and go to the base and undertake the work. By evening almost all the wounded were brought to the stationary hospital, the bearers often having to make three or four journeys from the temporary hospital to the base. Full three weeks were thus passed in almost continuous work, emptying one hospital after another, chiefly the stationary hospital. During the time five journeys were made to Frere, the men three times carrying the wounded the whole distance of 25 miles in a single day, and twice taking them up at or near the little Tugela bridge at Springfield from the European bearers.

The Corps had the honour of carrying some officers of note—Major-General Woodgate being among them. It was freely remarked each time the "light-footed, elastic-stepped" bearers covered he whole distance of 25 miles with their charge, under a trying un and over a difficult road, that they alone could perform the eat. Says the special correspondent of *The Natal Witness*:

One hundred miles in five days may be accounted fairly good walking for a man unburdened with any weight but that of his own carcass and clothes. When the wounded have to be carried on stretchers for nearly half that distance, and the greater portion of the remainder is traversed by men laden with heavy kit, such marching, I think, will be acknowledged as very creditable work. Such is the feat lately performed by the Indian Ambulance Corps, and one that any body of men may be proud of.

Thus honoured and thus satisfied with the thought of having done its duty, the Corps was again temporarily disbanded—but recent events go to show that its services may not be needed again.

The Indian merchants had supplied the leaders with large quantities of cigarettes, cigars, pipes, and tobacco for the wounded, and these were freely distributed among them. Of course, they were very much appreciated, especially as no cigarettes, etc., could be had in or near the camp. The leaders and the bearers were by no means satisfied with having carried their charge safely and well to their destination; but, at each stopping place during the long marches, even neglecting their own comforts, they left no stone unturned to attend to the wants of the wounded, e.g., helping them to tea and fruit—often doing so with their own money, or from their own rations. Nor is this the only part the Indian community has taken in the war. All the leaders who went without pay were not capable of maintaining their dependants during their absence. The Indian merchants, therefore, started a fund which contributed to the support of the families of such leaders as needed it, and at no inconsiderable cost fully equipped the volunteers. In order to still more effectively identify themselves with the patriotic wave, and to show that they are capable of sinking their differences in the face of a common danger, they have subscribed a respectable sum of £65 to the Durban Women's Patriotic League, a local organization formed for the purpose of providing medical comforts for the wounded soldiers and volunteers, some of which latter are violent anti-Indian Colonists. The Indian ladies have come forward to prepare pillow-cases and handkerchiefs for the same purpose, out of cloth furnished by the Indian merchants. Thus speaks *The Natal Mercury* anent the subscription:

> This gift of money for the Women's Patriotic Fund, specially for the purpose of assisting in the care of the sick and wounded volunteers at the front, is a very acceptable and eloquent expression of the feeling of the Indian people. It is not enough, in their minds, to succour the large mass of Indian refugees, as they are doing in an open-handed manner, but they must bestow this added contribution, we believe, as a token of their devotion to the Queen-Empress and to the country in which they have come to reside. Nothing can better show the real feeling that animates this portion of our population, who too often have very little said on their behalf, than such a display of loyalty.

The Indians have entirely taken on their shoulders the maintenance of thousands of Indian refugees not only from the Transvaal but also from the upper districts of Natal which are temporarily in the hands of the enemy. This fact has so much impressed the Colonial mind that the Mayor of Durban made the following public acknowledgement:

> They knew full well that many of the Indian nationality had been compelled to leave their posts and come down here as refugees. They had had a large number arrived, and the Indians had borne the expense themselves. For that he sincerely thanked them.

It derives, at the present moment, a peculiar importance. The Central Committee in London have cabled withdrawing their support from the able-bodied European refugees, confining it solely to women and invalids, and the matter is now taxing to the utmost the resources of the Refugee Relief Committee in Durban. It may not be amiss to mention also a few instances of individual sympathy for the soldiers. An Indian woman who lives on the daily sale of her fruits is reported, on the soldiers landing at the Durban wharf, to have emptied the whole contents of her basket into Tommy's truck, saying that was all she could give that day. We are not told where the noble-hearted woman found her food for the day. Similarly, several Indians, in an outburst of enthusiasm are reported to have showered cigarettes and other delicacies on Natal's fighters from over the waters. When the joyful news of the relief of Kimberley and Ladysmith was flashed across the wire, the Indians vied with the Europeans in their patriotic zeal to celebrate the occasion by decorating their stores, etc. They also held, on the 14th instant, a meeting. The Hon. Sir John Robinson, K.C.M.G., the first Prime Minister of Natal under Responsible Government, was invited to preside on the occasion, and he very kindly accepted the invitation. Over a thousand Indians from all parts of the Colony and over sixty leading European citizens attended the meeting.

The Times of India, 16-6-1900

80. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
March 17, 1900

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I have the honour to forward the petition[1] of Ava, wife of Amod Abdoolla of Durban, praying for mercy to be shown to her husband who is at present undergoing imprisonment in the Central Gaol, Durban, for His Excellency the Governor's consideration. I venture to think that to pardon the man would be to save the woman's honour. She being alone, young, and comparatively well-bred, is exposed to temptations which may ruin her for ever.

The occasion alluded to by her, the relief of Ladysmith, may be considered sufficient to justify the exercise of the prerogative of mercy in the present case.[2]

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 8646/1901

81. LETTER TO "THE NATAL WITNESS"

[Before *March 26, 1900*]

TO
THE EDITOR
"THE NATAL WITNESS"

DEAR SIR,

I beg to enclose herewith for publication copies of the telegraphic communications which the Hon. Sir John Robinson, K.C.M.G., in his capacity as chairman of the meeting of the

[1] This is not available.

[2] Amod Abdoolla was granted a remission; *vide* "Letter to Colonial Secretary, Natal", pp. 178-9.

Indian community held in Durban on the 14th day of this month, has received from the Generals, Lord Roberts, Sir Redvers Buller, and Sir George White, in reply to congratulatory resolutions[1] adopted by that meeting and at its request telegraphed by the honourable chairman to the distinguished Generals. I enclose also copies of the resolutions above referred to.

I am, etc.,
M. K. GANDHI
HON. SECRETARY, N.I.C.

[ENCLOSURES]

(1)

March 17, 1900

FROM
LORD ROBERTS
BLOEMFONTEIN

TO
SIR JOHN ROBINSON
DURBAN

I beg to thank you for the kind telegram you have been good enough to send me embodying a resolution passed at a meeting of the Indian community of Natal. I am deeply grateful for the congratulations and kind wishes expressed therein.

(2)

March 16, 1900

FROM
GENERAL BULLER
LADYSMITH

TO
SIR JOHN ROBINSON
DURBAN

The address you kindly sent me from Indian community has given me much gratification.

[1] *Vide* "Speech at Public Meeting", pp. 162-3.

(3)

March 16, 1900

FROM
SIR GEORGE WHITE
EAST LONDON

TO
SIR JOHN ROBINSON
DURBAN

Please accept and convey to the Indian community of Natal my sincerest thanks for the most kind resolution passed by their meeting. My connection with India has been a long one, and the best days of my life have been spent there, and the good wishes of my Indian fellow-subjects are very gratifying to me.

The Natal Witness, 26-3-1900

82. APPEAL FOR FUNDS–I

14 MERCURY LANE,
DURBAN,
April 11, 1900

DEAR . . .,

I enclose herewith a copy of the monthly report of the Indian Hospital.

It was as you know established nearly 18 months ago.[1] The need is real, as will appear from the report. All sections of the Indian community have received help from the hospital. It is a boon to the poor.

It could not have been opened but for the subscriptions from the Durban Indians, who have subscribed nearly £84, and for the services rendered by Dr. Booth and Dr. Lilian Robinson, now replaced owing to her illness by Dr. Clara Williams.

As Durban has been bearing the brunt of almost all the subscriptions, it may not be considered out of place to invite the Indians from the other parts of the Colony to enjoy the privilege of succouring the poor in the best possible manner, viz., alleviating bodily sufferings.

At least £80 are needed to enable the hospital to continue for 2 years and to pay the arrear rent. But a much larger sum is

[1] The hospital was opened on September 14, 1898.

necessary if the hospital is to be continued, as I venture to think it must be, seeing that, during its existence, it has answered a hard-felt need.

I fully trust that you will give your share and induce others to do likewise.

Receipts will be fully acknowledged and accounts furnished.

I am,
Yours truly,
M. K. GANDHI

From a photostat of the handwritten office copy : S.N. 3725

83. APPEAL FOR FUNDS–II

14 MERCURY LANE,
DURBAN,
April 11, 1900

SIR,

You all know that a hospital for Indians was opened in Durban about a year and a half ago. Dr. Booth and another doctor work in it in an honorary capacity. Prior to the opening of the hospital, a meeting was held in Durban at which it was decided that Indians should contribute £85 per annum as rental charges. This arrangement was to hold good for a period of two years. A fund was immediately raised and a sum of £61 collected. The balance of £24 is still to be collected. But this amount will not suffice to meet the expenses. Over nine months' rent is in arrears. As Durban has contributed to many funds, it is not proper to put the responsibility for the remaining amount on it alone. Hence this letter.

A report of the working of the hospital for the first six months is enclosed from which you will see the usefulness of the institute.

Madrasi women entering it in a very serious condition have come out cured. The Gujaratis also have benefited from it. No community has been left out. Free medicine is supplied to hundreds of patients who deposit some amount, according to their capacity, in the charity box kept for the purpose; even those who cannot contribute anything receive medicine. Medicines are bought out of the box collections and the deficit, if any, is met by the missionaries.

If we are not able to help, the hospital will have to be closed down. As the two doctors serve honorarily, it is being run at a

small cost and many poor people benefit from it. A blind, old, infirm Gujarati gentleman received free treatment in the hospital for many days.

You ought to spare whatever you can for such a cause and also collect contributions from others and forward them. Receipts will be issued for any money received. I hope you will exert yourself to the utmost.

M. K. GANDHI

From a photostat of the Gujarati original : S.N. 3725

84. INDIAN AMBULANCE CORPS[1]

DURBAN,
April 18, 1900

Perhaps, in reading the accounts published from day to day of the Boer War, you have followed the movements of the Indian community in connexion with it in so far as they have been chronicled by the newspapers. But, I am also aware that the Press has not been able to give anything like a full account of the doings of the Indians in South Africa. I need hardly say that, as soon as war was declared, irrespective of their opinions as to the justness or otherwise of the war, the Indians to a man made up their minds to give their humble support to the British Government during the crisis; and, as the immediate result of this sentiment, an extremely well-attended meeting of the English-speaking Indians of Durban was held, and as many as could signed, there and then, a declaration offering their services to the military authorities, unconditionally and without pay to do any work that they may be considered fitted for, especially mentioning the field hospital and commissariat departments, and recording the fact that they did not know the use of arms.

The offer was ultimately accepted in connection with the Indian Ambulance Corps which, at the instance of the military authorities, was formed in Natal. The bearers for the Corps consisted mostly of indentured Indians supplied by the estates in Natal, through the Protector's Department, and through the above mentioned volunteers who were to act as leaders of the parties of stretcher-bearers, the Indians being perfectly free either to go to the battlefield or not. Thus, about 1,000 Indian bearers, and

[1] This appeared in *India* as from its "Indian Correspondent". *Vide* also "Indian Ambulance Corps in Natal", pp. 163-9.

thirty leaders (no more of the latter being really necessary), carried the wounded after the battle of Colenso, and by their arduous work commanded the admiration of all concerned and more than satisfied the patients themselves. It was freely acknowledged by the European Superintendent of the Corps and other Europeans who came with it that, without the leaders, the carrying could not be done with satisfaction. The Corps, having been formed only for the advance to Ladysmith through Colenso, was disbanded after the reverse, and was re-formed when General Buller tried to force a passage through Spion Kop.

The nature of the work this time was, if possible, more exacting and, undoubtedly, more risky. The Indians, contrary to the announcement that they were to work without the range of fire, had to fetch the wounded from within the range, at times shells falling within hardly 100 yards of them, all this, of course, being unavoidably due to the unexpected reverse at Spion Kop and retirement from Vaalkranz. The bearers and the leaders had to march with their charge to a distance of twenty-five miles, from Spearman's Camp to Frere, over the Natal roads which, as you are aware, are very rough and hilly, at one time doing a distance of over 125 miles in a week. Moreover, our Indian merchants supplied cigarettes, etc., for the wounded, which was quite a feature of the Indian Corps. Many Europeans who ought to know have told me that no European Ambulance Corps could cover the distance of twenty-five miles, carrying the wounded under such difficult circumstances, in a single day, which our Indian bearers and their leaders did in the face of serious difficulties about food and shelter.

Not being satisfied with this work, and in order that our merchants may be still more effectively identified with the patriotic feeling, and in order to show that we were quite capable of sinking our local differences at a time of common danger, a substantial fund to the amount of £65 was collected by them and handed over to the Durban Women's Patriotic League, which is a local organization for supplying medical comforts to the wounded soldiers and volunteers, some of the latter being violently anti-Indian Colonists. Our Indian ladies prepared handkerchiefs and pillow-cases out of cloth supplied by our merchants for the wounded. All the Indian refugees, counting thousands, have been entirely supported by the Indian community—a fact that has elicited from the Mayor of Durban a public acknowledgement of gratefulness, and this fact becomes the more important

in view of what is going on at present. The Refugee Relief Committee find it very difficult to adequately maintain even the European refugees. The Central Committee in London has cabled withdrawing the support hitherto given as well to the able-bodied men as to the women and infirm men. When the welcome news of the relief of the Kimberley and Ladysmith was received, the Indians, side by side with the Europeans, marked their sense of joy by closing their shops, decorating their stores, etc. They also held a public meeting. Sir John Robinson, who was the first Prime Minister of Natal under responsible government, was invited to preside for the occasion, which invitation the Honourable gentleman very kindly accepted. The meeting was a brilliant success and was attended by about 1,000 Indians representing all parts of the Colony, and over sixty leading Europeans.

India, 18-5-1900

85. LETTER TO LEADERS OF AMBULANCE CORPS

DURBAN,
April 20, 1900

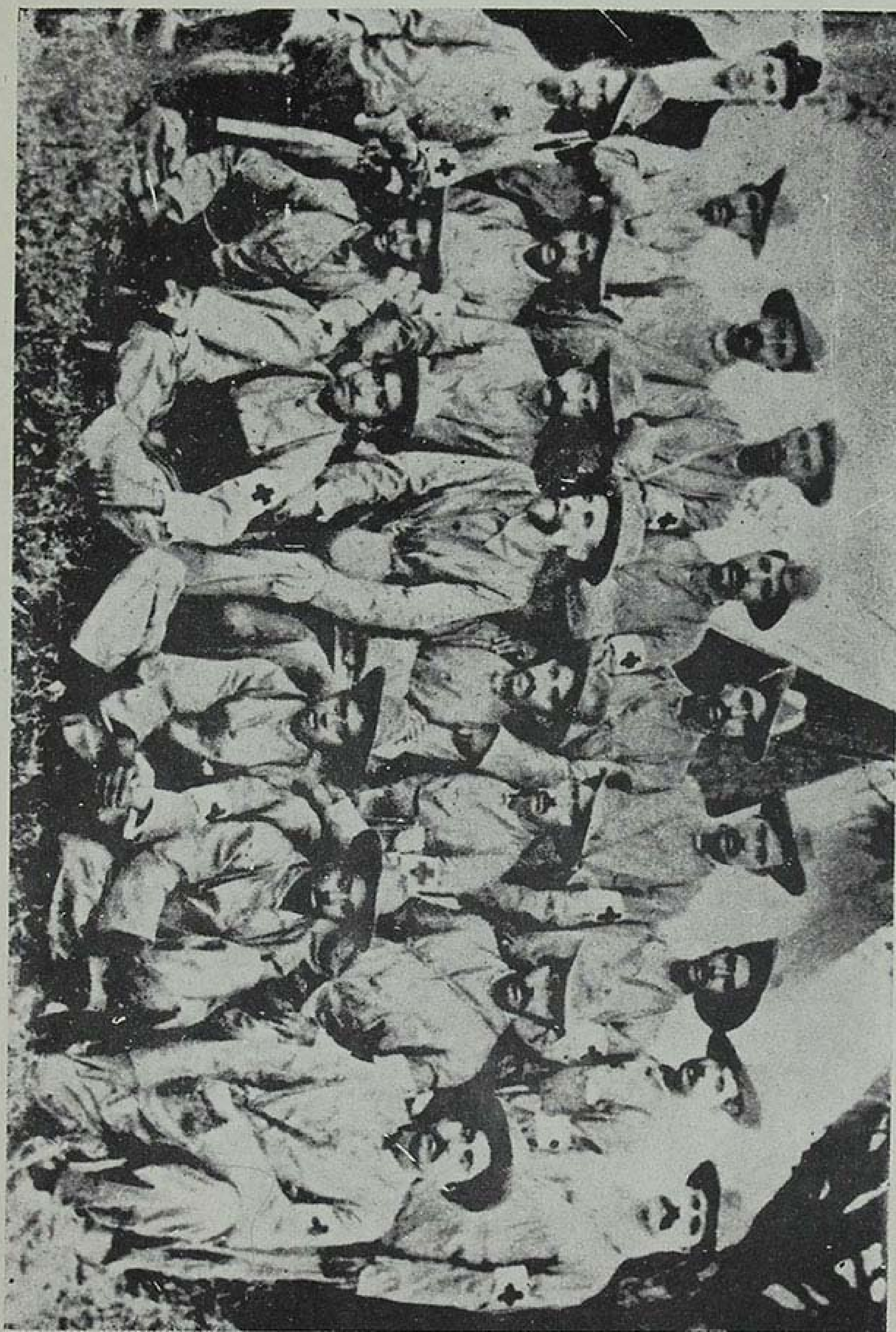
DEAR SIR,

You have shown your patriotism and brought honour to yourself and your country by joining the Indian Ambulance Corps as a leader and have thereby rendered service both to your own self and your motherland. It will, therefore, behove you to look upon that as a reward in itself.

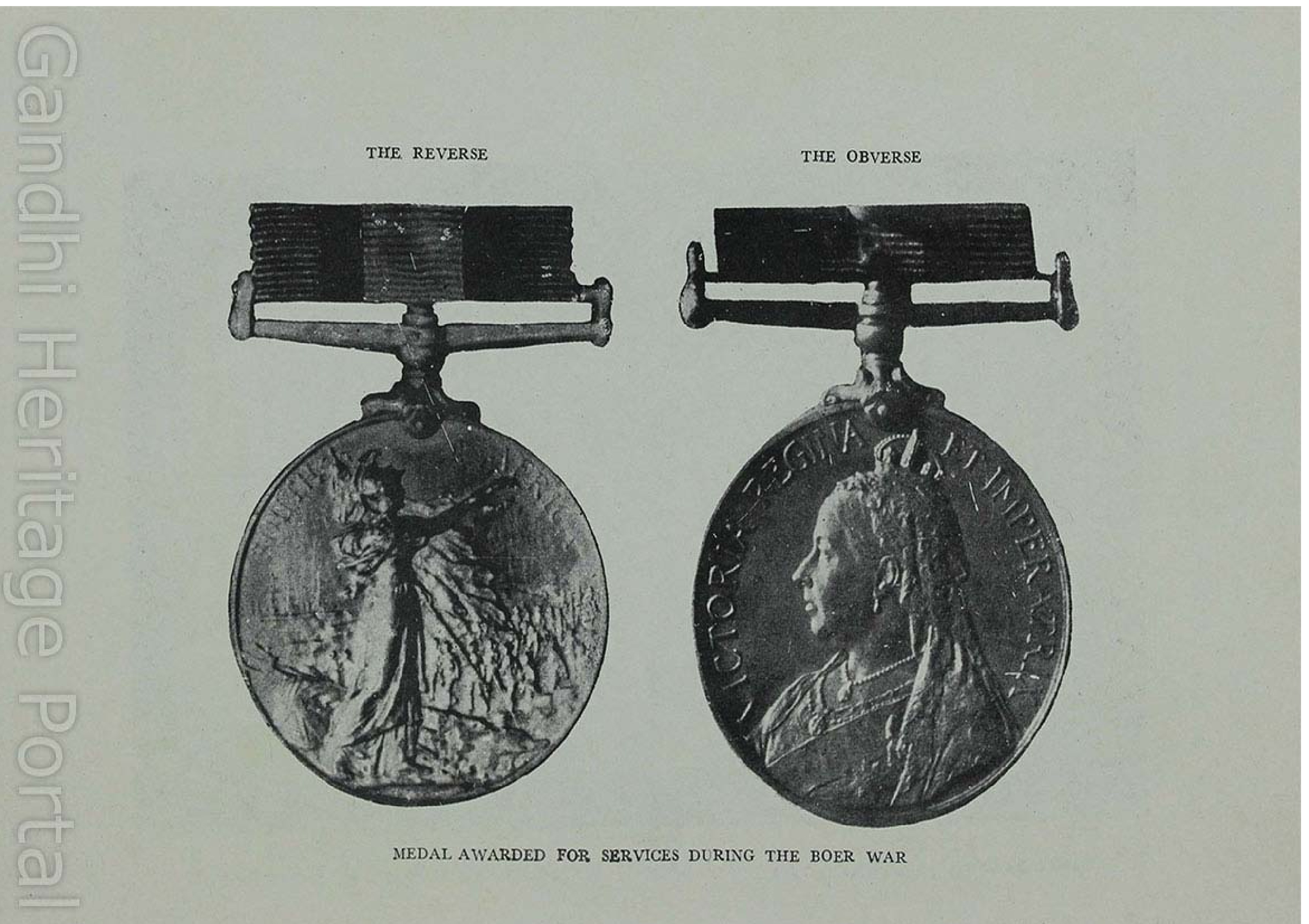
But I have a feeling that you enlisted partly out of regard for me and to that extent I am beholden to you. I cannot compensate you for it in terms of money as I have no power to do so. But I have not forgotten your act of regard for me and, as a memento for the assistance you gave me in serving the motherland at a critical juncture, I offer you the gift of my services, which please accept. I hope you will make such use of them as you can. I promise to take up without fee any legal work that I can do in Durban for you or for your friends to the extent of £5 during the course of a year from today, while I remain in South Africa and do not leave for India.

M. K. GANDHI

From a photostat of the Gujarati original : S.N. 3445



WITH THE INDIAN AMBULANCE CORPS (DR. BOOTH IS SEATED FOURTH FROM LEFT, GANDHIJI FIFTH)



THE REVERSE

THE OBVERSE

MEDAL AWARDED FOR SERVICES DURING THE BOER WAR

86. LETTER TO STRETCHER-BEARERS

[DURBAN,
April 24, 1900][1]

DEAR SIR,

While we were doing at the front the work of carrying the wounded, I promised to make a small present myself to the stretcher-bearers within my charge in the event of their doing their work creditably.

The officers are pleased with your work as indeed with that of all the bearers. It is, therefore, time for me to act according to my promise. As a token of my appreciation of your work, I present you with the accompanying,[2] which I trust you will be good enough to accept.

You have rendered a service to the community in having gone to the front. That you may always do good deeds, earn your bread honestly, and perform your duty, firmly trusting that you cannot but serve yourself in serving your countrymen, is the prayer of your well-wisher,

M. K. GANDHI

From a cyclostyled letter signed by Gandhiji : C.W. 2939

87. CABLE TO QUEEN VICTORIA

[*May 21, 1900*]

NATAL INDIANS TENDER HUMBLE AND LOYAL CONGRATULATIONS TO HER MAJESTY ON HER EIGHTY-FIRST BIRTHDAY. FERVENTLY PRAYING ALMIGHTY MAY SHOWER CHOICEST BLESSINGS ON HER.

Pietermaritzburg Archives : C.S.O. 3760/1900

[1] The date is from a similar letter in Gujarati (S.N. 3729) addressed to Pragji Dayal, one of the stretcher-bearers.

[2] The nature of the present is not ascertainable.

88. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
May 21, 1900

TO
THE HONOURABLE THE COLONIAL SERCETARY
PIETERMARITZBURG

SIR,

I have the honour to enclose herewith a copy of the message[1] which the representative Indians intend to send by cable to Her Majesty's Principal Secretary of State for the Colonies on the 24th instant tendering their humble and loyal congratulations to Her Majesty on her eighty-first birthday and, by their desire, to request you to forward same.

I am to add that, on receipt of a memo. of monies spent from you, I am authorized to forward you a cheque.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 3760/1900

89. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
June 11, 1900

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I have the honour to acknowledge your letter of the 9th instant conveying the information that His Excellency has been graciously pleased to grant a remission of 18 months out of the 3 years' imprisonment passed upon Amod Abdoolla.[2]

[1] *Vide* the preceding item.
[2] *Vide* "Letter to Colonial Secretary, Natal", p. 170..

I have given the information to Amod Abdoolla's wife who, while she had hoped that, amid so much rejoicing, her husband would be restored to her at once, is extremely grateful for the mercy shown to her husband and herself by His Excellency.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 8646/1901

90. NOTE ON RESOLUTION OF THANKS

DURBAN,
July 13, 1900

A good word has been written about us in the annual report of the East India Association. The Association has expressed its intention to make every endeavour to uphold our rights. A resolution of thanks for this gesture is enclosed.[1] Those gentlemen who favour the forwarding of this letter may please sign this.[2]

From a photostat of the Gujarati in Gandhiji's hand : S.N. 3467

91. TELEGRAM TO P. S. TO GOVERNOR

July 26, 1900

TO
PRIVATE SECRETARY TO
HIS EXCELLENCY THE GOVERNOR
PIETERMARITZBURG

YOUR TELEGRAM. I SHALL HAVE THE HONOUR TO WAIT ON HIS EXCELLENCY AT 10.30 A.M. FRIDAY NEXT UNLESS I HEAR FROM YOU TO THE CONTRARY.

GANDHI

From a photostat of the office copy : S.N. 3474

[1] The text of the resolution is not available.

[2] This note in Gujarati is followed by a briefer one in English to the same effect and bears several signatures in support of the proposal.

92. LETTER TO "THE NATAL ADVERTISER"

DURBAN,
July 30, 1900

TO
THE EDITOR
"THE NATAL ADVERTISER"

SIR,

The Natal Emigration Agent at Calcutta has forwarded to the Protector of Indian Immigrants leaflets for distribution among the indentured Indians and those that have become free and settled in the Colony, appealing for funds in aid of the relief of the terrible famine now raging in India. This appeal, in my opinion, has an awful meaning. It shows the intensity of the calamity; it shows also that, in spite of the resources of a great Empire, it has been found necessary to ask even poor Indians to contribute their quota.

It will be recollected that in 1896, when India was visited by a widespread famine, a direct appeal was made to the Mayor[1] in South Africa, to which a prompt response was made from all parts of the continent. This time, evidently, there has been no such direct appeal made, owing to the distress which we are undergoing ourselves. The same cause has prevented the Indian community in Natal, which has narrowly kept itself in touch with the situation in India and which has so far contented itself with having forwarded subscriptions to the branch office in India, from placing it before the Colonists generally. But the Viceroy of India has sent a fresh, pathetic appeal to the Lord Mayor of London, which urges every part of the great Empire to come to the rescue. The receipt of copies of the appeal and the simultaneous arrival of the leaflets from Calcutta change the aspect very materially, and, in my humble opinion, makes it incumbent upon the Indian community here, not only to make a fresh effort itself, but also to bring the matter, at any rate, to the notice of the Colonists, so as to enable them to exercise the privilege (shall I call it) of helping millions of their starving fellow-beings, who

[1] Of Durban; *vide* Vol. II, p. 138.

are, moreover, subjects of the same Queen as themselves. It will be, at the same time, exceedingly improper to ignore the fact that the Colony has suffered, and will yet have to suffer, a great deal owing to the war. But I may be pardoned for saying that our State is very prosperous compared to the miserable conditions of the millions in India, who have to be engaged in a war in which there is no victory to be gained, in which, probably, the only reward is a painful and lingering death. One penny would just feed a man for a day in the disaster area in India. Is there a man in the Colony who cannot, without any inconvenience, spare a shilling, and thus be the means of feeding 12 hungry mouths for a day? Though, therefore, it is quite true that many individual members cannot give very large sums, hundreds, even thousands, can give at least a few shillings each.[1]

The Lord Bishop of Natal has dwelt on the good that the war, bad as it is, has done, in that it has brought closer together the various parts of the mighty Empire to which it is our pride to belong. It may be that the threefold scourge in India—viz., famine, plague and cholera—black as it is, will be the means of forging another link in the chain that ties all together.

Close on 6,000,000 of the famine-stricken in India have to be daily supported through the State, not to mention the flow of private charity, which saves tens of thousands of lives. Mr. Adamji Peerbhoy alone supported, according to *The Times of India*, during the month of May last, 16,300 men per day. The number of those seeking relief, according to Dr. Klopsch, increases by 10,000 per day.

The welcome rains that have watered the greater part of the afflicted area, will, for the present, increase the numbers to be relieved and put a heavier strain on the resources of the State, both in men and money. The plague has been doing its work of destruction unremittingly for the last four years, and the cholera fiend, the right hand of famine, has completed the havoc. Besides the various British Colonies and Settlements, America has raised a fund and sent a special representative, Dr. Klopsch, to administer it. Germany has also come to the rescue. India's misery is such as all friends and strangers alike may assist in alleviating. Why not Natal?

In conclusion, it is my pleasant duty to announce that His Excellency the Governor of Natal, the Honourable the Attorney-General, and the Honourable Sir John Robinson have showed

[1] The total collections amounted to £5,000; *vide* "Letter to the Press", 16-2-1901.

great sympathy for the starving millions of India, and promised to patronize any fund that may be raised on their behalf.

I am, etc.,
M. K. GAND...

The Natal Advertiser, 31-7-1900

93. *LETTER TO COLONIAL SECRETARY, NATAL*

14 MERCURY LANE,
DURBAN,
July 31, 1900

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

The Mahomedans, British Moslems of Natal, are preparing for presentation an address to H. M. the Sultan of Turkey as the Spiritual Head of that community, on the approach of his Silver Jubilee. I have been asked to advise as to the best way of sending the address, and it strikes me that the more formal and proper way would be to send it through His Excellency the Governor as it is to another sovereign in Europe from the Queen's subjects.

I shall be obliged if you will be good enough to guide me as to the etiquette. As the address must leave on Saturday next, I shall esteem it a favour if you will kindly advise me early.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 6061/1900

94. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
July 31, 1900

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I have the honour to enclose copies of correspondence[1] that has passed between the Immigration Restriction Officer and myself in connection with an application for a certificate of domicile. The rule referred to therein seems to have been passed only lately.

I venture to think I have but to bring it to the notice of the Government to secure its relief. I have not been fortunate enough to obtain from the Immigration Officer the reasons which led to the passing of the rule. But, in my humble opinion, there could be nothing to justify the passing of such a drastic rule which, in practice, would prevent even the *bona-fide* Indian residents of Natal from coming to the Colony.

I would, therefore, be obliged if the Government would be pleased to instruct the Immigration Restriction Officer to withdraw the rule in question and consider the application submitted to him on its merits.

I have the honour to be,
Sir,
Your obedient servant,
pro M. K. GANDHI
V. LAWRENCE

Pietermaritzburg Archives : C.S.O. 6063/1900

[1] This is not available.

95. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
August 2, 1900

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I have the honour to request you on behalf of the representative Indians in the Colony to forward the following message by cable to the Secretary of State for the Colonies to be placed before Her Majesty the Queen Empress:

"Natal British Indians humbly condole[1] with Her Gracious Majesty in her grief."

I am authorized to forward to you the cost of the message on hearing the cost from you.

I have the honour to be,
Sir,
Your obedient servant
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 6142/1900

96. TELEGRAM TO P. S. TO GOVERNOR

August 4, 1900

TO
PRIVATE SECRETARY TO
HIS EXCELLENCY THE GOVERNOR
PIETERMARITZBURG

YOURS OF YESTERDAY RECEIVED. I SHALL HAVE THE HONOUR TO WAIT ON HIS EXCELLENCY MONDAY 13.30 MORNING.

GANDHI

From a photostat of the office copy : S.N. 3480

[1] The Queen's second son, Prince Alfred, Duke of Saxe Coburg and Gotha, had passed away on July 31.

97. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
August 11, 1900

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I beg to acknowledge your letter of the 9th instant informing me that His Excellency the Governor has transmitted to the Secretary of State for the Colonies our message of condolence with Her Majesty embodied in my letter of the 2nd instant for which I beg to thank His Excellency.

I enclose herewith cheque for £2-14-0, being cost of message.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 6142/1900

98. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
August 13, 1900

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I beg to acknowledge your letter of the 11th instant conveying the information that His Excellency the Governor has received from the Secretary of State a telegram stating that Her Majesty desires that her thanks may be conveyed

to the Natal British Indians for their message of condolence.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 6142/1900

99. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
August 14, 1900

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I have the honour to inform you with reference to your telegram of the 10th instant that the promoters of the congratulatory address to H. M. the Sultan sent last Saturday the address to the Turkish Ambassador at London, as the time for the Silver Jubilee is approaching very near.[1] If His Excellency the Governor considers that the address ought to be sent through the Rt. Hon'ble the Secretary of State for the Colonies, I think it is possible to request the Turkish Ambassador to hand it over to the Colonial Office at London. In any case, I shall be glad if I receive His Excellency's opinion for future reference in such matters.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 6061/1900

[1] *Vide* "Letter to Colonial Secretary, Natal", p. 182.

100. LETTER TO COLONIAL SECRETARY, NATAL

14 Mercury Lane,
Durban,
August 18, 1900

To
The Honourable the Colonial Secretary
Pietermaritzburg

Sir,

I have the honour to acknowledge your letter of the 14th instant regarding the application for a certificate of domicile for one Dosa Desa.

I regret to trouble you in the matter again.

I tried to obtain from the Immigration Restriction Officer information as to the causes that led to the introduction of the rule in question, but failed.

It is quite possible that some people have abused the previous practice and if the abuse, assuming that it exists, was brought to the notice of the Indians generally, in my humble opinion, it could be mitigated, if not altogether stopped. If affidavits have been made falsely, the culprits could be legally punished. But the rule in question, though it may not be a hard and fast one, will, it is submitted, be a great hardship, especially to the poorer. As it is, they are put to considerable expense in getting the certificates, but the new rule would put unnecessary obstacles in their way. In practice, it is hardly possible to expect men to apply from India for certificates. It takes as a rule 30 days and often longer for a letter to reach India and, if there was any flaw in an affidavit, it is difficult to say how long it would take before a certificate could be issued. Moreover, it is hardly to be expected that the limited number of Indians who may be known to the Immigration Officer as respectable could know the persons for whom certificates of domicile may be required.

Under the circumstances, I submit that the rule should be withdrawn altogether and the ordinary procedure may be adopted to meet the abuse, if any, of the Immigration Restriction Act,[1] under the old practice of issuing certificates.

[1] *Vide* Vol. II, pp. 189-92.

I may mention that my client, the applicant for the certificate, Dosa Desa, is much inconvenienced owing to the delay in obtaining the certificate.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 6063/1900

101. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
August 30, 1900

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I have the honour to acknowledge your letter of the 29th instant with reference to the application for a certificate of domicile for one Dosa Desa.

I notice that the Government presume the existence of a rule for departing from which no sufficient reasons appear to them to have been shown. The fact is, the rule complained against is an innovation on the established practice for the introduction of which the community immediately concerned with it has been furnished with no reasons and the source of which it still does not know.

May I, then, enquire how the Immigration Act has been evaded under the recently existing practice?

I venture to think that the innovation is causing an amount of inconvenience the measure of which the Government do not realize.

If it affected only persons who may leave the Colony hereafter, it may not cause any hardship, but hundreds of Indians, who knew nothing of it when they went to India and who require such certificates, would find it very difficult to come to the Colony although they have a right to enter it.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 6063/1900

102. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
September 3, 1900

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

With reference to the correspondence *re.* Dosa Desa, I have the honour to inform you that on the production of a certificate of reliability of the maker of the affidavit in support of this application which the maker was able to obtain, the Immigration Restriction Officer has now granted the certificate applied for.

The settlement of this application, however, in my humble opinion, does not dispose of the general question as to the innovation referred to in my letter of the 30th ultimo.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 6063/1900

103. LETTER TO TOWN CLERK, DURBAN

14 MERCURY LANE,
DURBAN, NATAL,
September 24, 1900

TO
WM. COOLEY, ESQ.
TOWN CLERK
DURBAN

SIR,

As soon as the intention of the Council to introduce a bye-law making it an offence for a riksha-hauler to take up a coloured passenger in a riksha labelled for "Europeans only" was known, many Indians asked me to draw up a protest, but I felt

at the time that it would not be proper to do so. I thought it would be inconsistent with the self-respect of the Indian community to wish to insist on having the right to use the same riksha used by the Europeans if the latter objected to share it with the Indians, so long as the same kind of vehicle was available to the Indians also. But I have now begun to feel that I committed a grave error in proffering the above advice.

The practical working of the bye-law has created and is creating an irritation among the Indians of all classes which it would be folly on my part not to bring to the notice of the Council.

I freely confess that the problem is not easy of solution. Yet it may not be altogether insoluble. In this communication it is not my intention to raise the legal question though I humbly believe that the bye-law is illegal. I wish, if possible, to obtain partial relief by appealing to the good sense of the Council.

I trust that what is objected to is not so much the colour of a fare as his dirty clothes or appearance. If so, might it not be possible to give instructions to the haulers not to take such fares? I am told that the haulers are shrewd enough to understand and carry out such instructions. The suggestion is obviously difficult, and will by no means be free from hardships and injustice but it is likely to allay the present acute soreness.

The very rigorous working of the bye-law may defeat its own object and, in my humble opinion, it can only be worked without friction if its application is very largely tempered with discretion. It is, I submit, no small thing that hundreds of coloured people, who have hitherto freely used the rikshas as a mode of conveyance, suddenly find themselves debarred from its use; for I understand that there are very few rikshas without the label above referred to.

May I ask you to place this before His Worship the Mayor and the Council Committee at the earliest possible opportunity and hope that it will receive the consideration that its subject matter deserves? I trust also that it will be considered in the spirit in which it is written.

I remain,
Yours obediently,
M. K. GANDHI

From a photostat of the original : Durban Town Council Records

104. PETITION TO GOVERNOR OF NATAL

[After *September 24, 1900*]

TO
HIS EXCELLENCY THE HONOURABLE
SIR WALTER FRANCIS HELY-HUTCHINSON
KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF
SAINT MICHAEL AND SAINT GEORGE
GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER THE
COLONY OF NATAL, VICE-ADMIRAL OF THE SAME, AND
SUPREME CHIEF OVER THE NATIVE POPULATION

THE HUMBLE PETITION OF THE UNDERSIGNED, REPRESENTING
THE BRITISH INDIANS RESIDENT IN DURBAN

HUMBLY SHEWETH,

That your Petitioners beg to draw Your Excellency's attention to the enclosed Bye-law passed recently by the Durban Town Council and approved by Your Excellency.

At the time the said Bye-law was proposed to be published, the Indians who generally use the rickshas were alarmed, but it was then hoped that the Bye-law would not be so enforced as to apply to all non-Europeans without distinction.

Your Petitioners thought that, if the European community did not wish the Indians to make use of the same rickshas as they, the latter consistently with their self-respect could not take exception to such attitude so long as there remained a sufficient number of rickshas not set apart for the exclusive use of any particular community.

In practice, however, it has been found, during the short time the Bye-law has been in operation, that it is extremely difficult to find a ricksha without the label "For Europeans only". For a time, and only for a time, no particular hardship was felt as there were a number of rickshas without the above label and the police did not unduly interfere with the ricksha "boys" carrying people cleanly dressed. The thing, however, was soon changed as the Town Council gave definite instructions to the police to rigorously enforce the said Bye-law, with the result that a very large number of, your Petitioners venture to call, cleanly

dressed Indians suddenly found themselves deprived of the use of the above vehicles to their great inconvenience and annoyance.

The Town Council was approached with a view, not to obtain a cancellation of the Bye-law, but such enforcement thereof as not to deprive the Indians altogether of use of the rickshas.[1]

The Town Council has, however, declined to accede to the request.

Your Petitioners venture to submit that the said Bye-law is illegal in terms of Section 75 of Law No. 19 of 1872, as it is opposed to the general spirit of the British Constitution and the Laws of the Colony.

By reason of the premises, your Petitioners pray that the said Bye-law may be cancelled or amended so as not to cause the inconvenience complained of.

And for this act of justice and mercy, your Petitioners shall for ever pray, &c., &c.

M. C. CAMROODEEN & CO.,
AND TWENTY-FIVE OTHERS

Durban Town Council Records, 1901

105. *NOTES ON THE PRESENT POSITION*[2]

[Before *October 8, 1900*][3]

THE BRITISH INDIANS IN SOUTH AFRICA

A suggestion has been made that the friends in England of the Indian settlers in South Africa should be put in possession of the latest facts regarding their grievances, so as to enable them to place the matter for consideration before the proper authorities, in view of the pending settlement of South African affairs. It has also been suggested that a memorial to the Colonial Secretary, backed up by public meetings, should be promoted in order that it may strengthen the hands of the workers in England. After mature consideration, the latter plan has been dropped. There are sound reasons for the belief that, if adopted, it will be misunderstood here, where the feeling is that until the war is over and the troubles attendant thereon have entirely disappeared, no questions not arising from the war should be discussed

[1] *Vide* the preceding item.
[2] This appeared in *India*, 12-10-1900, as from "A Natal Correspondent".
[3] *Vide* the following item.

or considered. Moreover, it is likely that a memorial at the present time would disturb the happy relations which, for the time being, appear to subsist between the European and the Indian communities.

It is most difficult to say what the future would bring, and whether the old soreness would not be revived as soon as peace is restored. Indeed, there are grounds for the fear that there will be no change in the former attitude. *The Natal Witness* only a few days ago, in the course of a leading article, said that the services rendered by the local Indians, as ambulance-men and otherwise, should not be allowed to blind the Colonists to the necessity of keeping an ever-vigilant eye on the Indian question, and seeing that the temporary military occupation under Lord Roberts who, owing to his Indian connection, might entertain pro-Indian views, is not permitted to encroach upon the position Natal has hitherto maintained successfully in restricting Indian immigration and enterprise, and that the services referred to above were rather an acknowledgement by the Indians of the justice of Natal's position than that they were rendered in spite of their legitimate grievances.

The Indians formed a Volunteer Stretcher-bearer Corps of over 1,000, each bearer drawing £1 per week, i.e., a little over half the pay drawn by the European stretcher-bearers, assisted by over 30 leaders who served without any remuneration whatsoever, and included the most respectable portion of the community, and who left their business or employment to serve their Empress. When they did so, it was clearly stated that it was done in spite of the grievances, because they felt it their duty, at a time like that, to sink the domestic differences. The Indian merchants, if they could not join the Corps, equipped the leaders and maintained the families of such of them as stood in need of help. The Corps served at the fateful battles of Colenso, Spion Kop and Vaalkranz. High praise has been bestowed on the work done by it. Sir John Robinson—the first Prime Minister of Natal—has thus spoken of its services:

> With reference to the part played by the Indian community during the crisis, I can only say that it redounds to the credit and patriotism of you all. Reasons which you can well understand forbade the employment of any but British troops in the battlefield. But whatever use could be made of your loyal ardour—what opportunity could be afforded to your eager desire to co-operate in the Empire's cause—was gladly agreed to by the authorities. Though you were debarred from

actual service in the field, you were able to do excellent work in succouring the wounded. I cannot too warmly thank your able countryman, Mr. Gandhi, upon his timely, unselfish and most useful action in voluntarily organizing a corps of bearers for ambulance work at the front at a moment when their labours were sorely needed in discharging arduous duties which experience showed to be by no means devoid of peril. All engaged in that service deserve the grateful recognition of the community.

The Indians contributed what has been called a handsome sum (over £57) to the funds of the Women's Patriotic League, of which *The Natal Mercury* says:

This gift of money for the Women's Patriotic Fund, especially for the purpose of assisting in the care of sick and wounded volunteers at the front, is a very acceptable and eloquent expression of the feeling of the Indian people. It is not enough, in their minds. to succour the large mass of Indian refugees, as they are doing in an open-handed manner, but they must bestow this added contribution, we believe, as a token of the devotion to the Queen-Empress and to the country in which they have come to reside. Nothing can better show the real feeling that animates this portion of our population, who too often have very little said on their behalf, than such a display of loyalty.

The Indian ladies gave their work in the shape of making pillow-cases, handkerchiefs, etc., for the wounded out of cloth supplied by the Indian merchants over and above the above contribution. The Indians throughout the trying times also maintained thousands of their fellow-countrymen, refugees from the Transvaal and the parts of the Colony in Boer occupation, practically without encroaching upon the funds sent from London and raised locally, and administered by the Refugee Relief Committee.

The Mayor of Durban has acknowledged that service in the following words (spoken in March last):

The Mayor took the opportunity of thanking the Indian community for their loyalty during the last four months or so. Many of their people had been compelled to leave their abodes in the upper parts of the Colony, and had come down here for refuge. These they had taken amongst themselves, and borne the burden of maintenance at their own expense. For that he thanked them sincerely.

It may be stated, without any affectation, that these services have been rendered without any intention to secure any reward. If we claimed privileges as British subjects we could not very

well shirk the duties of such subjects, which the very humble services undoubtedly were, and, therefore, could carry no reward.

It might be worthy of note that the local Indians were not behind-hand in materially assisting the Indian Camp Followers' Fund, initiated by Captain Leumann, I.M.S. They subscribed over £50, and the Colonial-born Indians gave an amateur performance, handing to it the net proceeds thereof to the extent of over £20. As an illustration of the happy relations may be mentioned the great meeting held by the Indians to congratulate the British Generals on the relief of Ladysmith and Kimberley, which was presided over by Sir John Robinson, and attended by over fifty leading European citizens; also, the extremely generous response made by the Europeans in Natal to an appeal for the famine-stricken masses of India, over £2,000 being subscribed by them alone. The Governor is the Patron of the Fund, the Mayor of Durban is the Chairman, the Protector of Indian Immigrants the honorary treasurer, an Indian gentleman the honorary secretary, and leading European planters and merchants on the Committee—a combination that might have been impossible a year ago.

The above remarks on the feeling regarding the British Indians in Natal clear the ground for a statement of grievances. It may be as well to read the following summary side by side with the circular letter[1] dated 27th March, 1897.

As to the Transvaal and the Orange River Colony, nothing need be said at present, except that it may be confidently expected that none of the grievances, which, owing to the past status of the two States, the Colonial Office declared itself powerless to redress however much it sympathized with the Indians, will be allowed to exist in the slightest degree under the new regime where there would not have to be considered even the sentiments of a self-governing Colony as in the case of Natal.

Zululand, now being part and parcel of Natal, does not require separate mention, though it may be stated that the regulations prohibiting Indian bids at land sales when it was directly under the Crown were withdrawn before it was incorporated with this Colony.

In Natal, the position remains unchanged. The Immigration Restriction Act is still being enforced as vigorously as it could be under the circumstances. A short statement of its working may not be out of place.

[1] *Vide* Vol. II, pp. 237-40.

Under it, no person who is unable to write out, in any of the European languages, an application in the form attached to the Act, can enter the Colony unless he has been previously domiciled. Notices, for which there is no sanction in the Act itself, have been issued to the shipping companies warning them against taking Indian passengers for Natal unless they are armed with certificates of domicile, which were at first issued free of charge on a verbal application either by the person himself or by his friends. A charge of 2s. 6d. was then introduced for its issue. Later on, an affidavit of proof of domicile was required. Then two affidavits were insisted upon, and proof that the applicant for the certificate had been resident in the Colony at least two years; and the latest innovation is that either the person wishing to enter the Colony must himself apply for a certificate of domicile, or persons of known respectability should tender, under oath, proof of domicile. Thus, it will be seen that the cordon of restriction has grown tighter with the lapse of time. The practical effect of the working of all this is that all but the well-to-do are shut out of the Colony. As to this, it is contended for the Government that it would be no hardship for the persons requiring certificates of domicile to make the application under their own signatures, as they could always take them out before leaving the Colony. Such an argument would be perfectly sound if the innovation were to affect only those that may hereafter leave the Colony. But it is positively harmful for those that are outside the Colony. A person in India requiring such a certificate may have to wait one year before he could get it. The postal service between India and South Africa is as irregular as it could be; and there is no guarantee that the receipt, by the Immigration Officer, of an application invariably insures the issue of the domicile paper. For, as has often happened before, it is not at all unlikely that it may have to be returned several times to India for some flaw therein—imaginary or real. Theoretically, the shipping companies may defy the notices which have no legal force; and the Indians claiming admission may not take out domicile certificates which are not required by law. In practice, the shipping companies resolutely decline to issue passages except on production of certificates above referred to; so much so, that it is very difficult for those who write out the English application to obtain a passage, because they cannot produce a domicile certificate, and the shipping companies would not look at the provision exempting such persons from the operation of the Act. The reason given for introducing such elaborate restrictions

si that they are necessary to prevent evasions of the law; and it may be admitted that some evasions have occurred. It is, however, submitted that they ought not to be used as a handle for making unduly harsh a law which is, in its very nature, severe, and committing what is a breach of the fundamental principles of the British Constitution. The evasions should be publicly denounced and, if necessary, punished, for which there is ample provision made in the Act itself. Unfortunately, the latter course has not been adopted, with the result that the innocent have to suffer for the lapse of the few guilty persons. Everything that could be done locally to induce the authorities to relax the severity has been and is being done; and it would be unfair to omit to mention that the authorities have endeavoured in a measure to meet the wishes of the Indian community. Much more can, however, be done, if not now, at any rate after the war is over, by pressure of the Colonial Office to which the Government has been found to be amenable in the past.

Another effect of the Act is that it imposes vexatious restrictions on those who intend to pass through, or sojourn temporarily in the Colony, neither of which acts is prohibited by law. The Government, however, in order to prevent surreptitious settlement of Indians in the Colony have, perhaps rightly, introduced what are called visiting and embarkation passes. The objection, therefore, is not so much to the introduction of the passes as to the conditions under which they are issued. Formerly, a deposit of £25 for embarkation passes was required, and a fee of £1 for either a visiting or embarkation pass. The Government, however, in answer to Indian representations, were pleased to reduce the £25 to £10, and withdrew the £1 fee. The £10 deposit, however, still stands, much to the inconvenience of intending visitors, not all of whom could afford to deposit the sum, small as it may appear in the estimation of the Government. It was this Act that was instrumental in sending away a shipload of Indian refugees from the Transvaal from Delagoa Bay, who would fain have come to Natal, and thus saved not only the passage-money from India to Delagoa Bay for their return after the war, but not have been also a burden to the already overpressed famine-stricken India.

The other Act, not by any means the next in importance, but rather the worst of all, is the Dealers' Licenses Act, only at the present time its effect is not much felt. The country beyond the Tugela is yet under semi-military government. The Newcastle, Ladysmith and Dundee Corporations which gained, in

1898, unenviable notoriety for the harsh and oppressive way in which they enforced the Act, have not been able to shake themselves free from the misery caused by the Boer occupation. In Durban and Maritzburg, the Licensing Officers have not given much trouble. What will happen in January next, at the time of the renewal of licences, it is difficult to foresee. The poor traders, however, are already trembling in their shoes because of the great uncertainty in which the Act leaves them from year's end to year's end. The friends in London may recollect that Mr. Chamberlain has approached the Natal Government, suggesting that they should introduce legislation repealing the clause depriving the Supreme Court of the ordinary appellate jurisdiction over the decisions of the Licensing Officers or the Corporation, as the case may be; and that the Natal Government have written to the various municipalities informing them that, unless they judiciously exercised their powers under the Act, they might have to introduce legislation of the nature above indicated. This may be good so far as it goes, but it is sincerely hoped that it has not satisfied the Colonial Office. The least that is necessary is the removal of the terrible uncertainty that hangs, like the sword of Damocles, over every Indian licensee; and this can only be done by restoring the authority of the Supreme Court. There was (and very rightly) a howl of indignation when Mr. Kruger usurped the function of the High Court at Pretoria; but perhaps the very rottenness of the Transvaal Constitution was somewhat a safeguard from any real danger from such usurpation. But in Natal, where there are all the safeguards of a well-ordered Constitution, the deprivation of the jurisdiction of the highest Court of Justice in the land makes the danger terribly real and tangible, because it receives the solemn sanction of the legislature.

The truth of these remarks will be fully borne out by recalling to the mind what has been possible in the Transvaal in spite of the vagaries of its laws and what the Town Councils, free from the healthy restrictions of their Courts which, as British bodies, they are bound to fear and respect, have been able and attempted to do. War has prevented an approach to the Colonial Office in this matter. While correspondence on the subject with the local Government was going on, war broke out; and it was considered prudent to stay further action till the cloud melted away.

The 9 o'clock rule, and numerous other troubles referred to in the circular letter, need not be recapitulated here. They but serve to show what the Indians have to suffer in the Colony. We would give much to find ourselves in reality at one with the

Colonists as we are on paper, being British subjects; and it will be time enough to trouble our friends in London with the comparatively smaller troubles when the Immigration Restriction and the Dealers' Licenses Acts have ceased to worry us.

One thing is day by day causing much soreness of feeling, and that is the education of the Indian youths. The Government, which is ruled by the majority, perhaps not unnaturally finds itself powerless to assist the Indians. The result is, the Indian children are entirely shut out of the ordinary primary schools as well as the high schools. The Head Master of the Durban High School is said to have written, some time ago, to the Minister of Education, to the effect that parents would withdraw their children if an Indian was admitted. It is, however, submitted that the Colonial Office should make it clear to the local Government that the Indians have an equal right with the Europeans in the Colony to receive education in the Government schools which are supported by taxes paid as well by the Indians as by the Europeans. For the logical consequence of the threat (it is nothing less) held out by the Head Master would be that the Indians might have absolutely no status if it were carried out in every department of life in the Colony. What would prevent a ring of European merchants, under the threat of clearing out from a particular street in a commercial centre in the Colony, from asking the Government to drive out an Indian merchant or two from their neighbourhood?

The following are referred to for further information, if necessary:

Memorial (*re* Immigration, Trade Licences, etc.), 2nd July, 1897.[1]

Memorial (*re* Dealers' Licences), 31st December, 1898.[2]

General Letter (Licences), 31st July, 1899.[3]

Special Articles on the Indian Question in South Africa,[4] and Editorial Notes in *The Times of India* (Weekly edition): 11th March, 1899; 15th and 22nd April, 1899; 19th August, 1899; 9th December, 1899; 6th January, 1900; 16th June, 1900.

From a photostat of a printed copy : S.N. 3474a

[1] *Vide* Vol. II, pp. 260-80.
[2] *Vide* pp. 26-56.
[3] *Vide* pp. 106-12.
[4] *Vide* pp. 66-70, 79-83, 96-100, 136-42, 144-9 and 163-9.

106. LETTER TO DADABHAI NAOROJI[1]

Confidential

DURBAN, NATAL,
October 8, 1900

DEAR SIR,

In view of the approaching session of the Congress[2], it may not be out of place to draw your attention, and through you that of our other leading men, to what we here think may be done by the Congress. I know that we who know the value of your services to your country have to see that we do not unduly encroach upon your attention and thereby probably affect your health; if, therefore, it is not possible for you to give this matter your personal attention, I doubt not that you will be good enough to forward this letter or copies thereof to the proper quarters. The matter treated as affecting the whole of the emigration from India seems to be of the utmost national importance. A draft resolution to be submitted to the Congress is enclosed herewith.[3] A few copies of the notes,[4] specially prepared for the friends in London at the desire of Sir William Wedderburn, are also being sent in a separate packet. They will give an idea of the position as it stands at present, and may be of use to the gentleman who will

[1] The copy found among the documents in Sabarmati Sangrahalaya is incomplete.

[2] The Indian National Congress

[3] The Congress passed the following resolution on the question of South Africa: Resolved that this Congress once more draws the attention of the Indian Government as well as of the Secretary of State for India to the grievances of the British Indians in South Africa, and earnestly hopes that, in view of the re-arrangement of the boundaries in that continent and the incorporation of the late Boer Republics into the British Dominions, the disabilities under which the Indian settlers laboured in those Republics, and as to which Her Majesty's Government owing to their independence in internal matters felt powerless to obtain redress, will now no longer exist, and that the serious inconvenience caused to the settlers in Natal, among others by the Immigration Restriction and the Dealers' Licenses Acts of the Colony, which are manifestly inconsistent with the fundamental principles of the British Constitution as also the Proclamation of 1858, will be materially mitigated, if not entirely removed.

[4] *Vide* the preceding item.

take charge of the resolution which, of course, may be altered or amended as the Subjects Committee think fit.

The matter derives special importance owing to the sudden and unexpected activity of the Cape Legislature the members of which, while,. as you are aware, they are divided into two very evenly balanced parties holding diametrically opposite views, seem to be almost unanimous on the Indian question. A cutting[1] from the *Cape Times* giving a pretty full report of the debate in the Cape Assembly, attached hereto, will give some idea of what is going on in that part of South Africa. The Cape gentlemen are evidently anxious to go further even than Natal, as if the latter had not almost completely shut the door against newcomers from India. They would not tolerate the Indian, whether as a merchant, clerk or labourer. In Mr. Chamberlain, they have a Colonial Secretary who is anxious to go any length in respecting the wishes of the self-governing Colonies. The India Office, on the other hand, appears to be terribly inactive. But, seeing that there is unanimity of opinion between the Indians and Anglo-Indians on this question, it may be possible to rouse that office into proper activity, and obtain some relief. An influential deputation to wait upon Lord Curzon may go a great way in the desired direction.

The attitude of the Cape Colony seems to show that the services rendered by India, in that it was Sir George White with his Indian contingent who was the first to be on the scene to check the effective advance of the enemy, that it was the hundreds of dhuli-bearers[2] who rendered admittedly yeoman service during the siege of Ladysmith, and at the initial reverses, not to speak of the volunteers (Lumsden's Horse) equipped entirely from money subscribed by the Indians, the Bhisti Corps[3] and other Indian followers who were sent in shiploads from India, and the locally raised Indian Stretcher-bearer Corps, will be entirely forgotten, and the Indian treated, if they had it all their own way, as a social leper.

Natal for the present seems to be not quite ill disposed, but it will not take much to draw it out and, it is to be feared, make it return to its original opposition to the Indian. The gentlemen who will speak to the resolution may be asked to gratefully acknowledge Natal's magnanimous response to the Indian Famine

[1] This is not available.
[2] Stretcher-bearers
[3] Water-carrier Corps

Fund, and a subscription of £100 collected for Prabhu Singh, an indentured Indian who rendered signal service at Ladysmith, and whose bravery was publicly acknowledged by Sir George White. (This is the man for whom Lady Curzon sent a "choga"[1] which was publicly presented to him in Durban the other day.) The subscriptions to the Indian Famine Fund amount to over £4500, of which about one-half comes from our own community.

The Transvaal and the Orange River Colony ought to be absolutely free to the Indian, but we are all very nervous about it.

As showing to what lengths the people in South Africa would be prepared to go, what happened about a year ago at Umtali in Rhodesia[2] . . .

From a photostat of a copy : S.N. 3743

107. LETTER TO COLONIAL SECRETARY, NATAL

14 Mercury Lane,
Durban,
October 26, 1900

To
The Honourable the Colonial Secretary
Pietermaritzburg

Sir,

I have the honour to enquire whether there are any restrictions upon the sale of Crown lands to Indians.

I have the honour to be,
Sir,
Your obedient servant,
M. K. Gandhi

Pietermaritzburg Archives: C.S.O. 8658/1900

[1] Robe
[2] *Vide* "Letter to *The Times of India*", pp. 63-6.

108. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
November 8, 1900

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I have the honour to acknowledge your letter of the 7th instant, in reply to my letter of the 26th ultimo, enquiring whether there were any restrictions upon the sale of Crown lands to Indians, and I beg to tender my thanks for the very full reply you have favoured me with, as well as the enclosures.

Mr. Jan Mahomed of Port Shepstone, I understand, bought from Mr. H. E. Barnes of that place Erf No. 45 in the May of 1898 and declarations were prepared and signed; I am also instructed that, on the declarations being taken to the Surveyor-General's Office, the Surveyor-General declined to register the cession. On enquiring of Mr. Pitcher, who seems to have taken the declaration to the Surveyor-General's office, I find that the reason that officer gave for his refusal was: the cessionee was an Indian. On enquiring further of the same gentleman whether the Surveyor-General gave any legal grounds for his decision, Mr. Pitcher informs me that officer gave him to understand he was acting in accordance with Government orders.

The above information seems to be in conflict with that contained in your letter.

May I know what actually happened in connection with this particular matter and whether the Government will be pleased to instruct the Surveyor-General to register the cession. My client, I am instructed, has already paid a portion of the purchase price to Mr. Barnes.

I have the honour to be,
Sir,
Your obedient servant
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 8658/1900

109. TELEGRAM TO P. S. TO GOVERNOR

[DURBAN,]
November 30, 1900

PRIVATE SECRETARY TO
HIS EXCELLENCY THE GOVERNOR
PIETERMARITZBURG

IT IS THE WISH OF BRITISH INDIANS TO PRESENT LORD ROBERTS WITH AN HUMBLE ADDRESS ON HIS ARRIVAL IN DURBAN. MAY I REQUEST HIS EXCELLENCY THE GOVERNOR TO ASCERTAIN FROM HIS LORDSHIP WHETHER HE WOULD BE PLEASED TO ACCEPT SAME IF SO APPOINT TIME AND PLACE.

GANDHI

From a photostat of the office copy : S.N. 3542

110. TELEGRAM TO HAMID GOOL

[DURBAN,]
December 6, 1900

TO
GOOL[1]
CAPE TOWN

PLEASE PRESENT ON BEHALF OF CAPE INDIANS ADDRESS LORD ROBERTS. SHOULD NOT REFER TO HIS SON'S DEATH. CONGRATULATE HIM ON BRILLIANT CAREER SOUTH AFRICA. NO POLITICAL REFERENCE.

GANDHI

Copy to:
ALLY
DURBAN ROAD
MOWBRAY

From a photostat of the office copy : S.N. 3551

[1] A leading Indian of Cape Town

111. SPEECH AT INDIAN SCHOOL[1]

DURBAN,
December 21, 1900

Mr. Gandhi, in speaking of the head master's work, said that the best of institutions would suffer if there were not men to give life to them. This was well illustrated in the case of the Higher Grade Indian School. The Indian parents had to thank the Government for presenting the school with Mr. Connolly, who had made the school his own. Even Mrs. Connolly assisted him in his great work, and his brother, who had lately arrived from England, was kind enough to place his voice at the disposal of the school. The Indians had to thank Mr. Connolly and his staff very much for their zeal and devotion. With reference to the gymnasium, he ventured to suggest that a movable and portable set of single and double bars and sets of dumb-bells could, for very little expense, be procured, and would in a measure compensate for the want of a suitable ground. Credit could not be withheld from Mr. Paul for inducing the parents to avail themselves of the school for their children.

The Natal Advertiser, 22-12-1900

112. LETTER TO PROTECTOR OF IMMIGRANTS[2]

DURBAN, NATAL,
January 16, 1901

THE PROTECTOR OF IMMIGRANTS
DURBAN

SIR,

CHELLAGADU AND WILKINSON[3]

This matter came on before the Supreme Court in review. The Court decided that it had no jurisdiction to review the

[1] Gandhiji spoke at the mid-summer breaking up function of the Higher Grade Indian School at Durban.

[2] This was sent as an enclosure to Despatch No. 49 dated February 19, 1901, from Governor of Natal to the Secretary of State for the Colonies.

[3] Chellagadu, an indentured Indian, was sentenced to a fine of £1 or, in default, imprisonment on a charge of neglect of work on the sugar estate

decision of a Circuit Court Judge in the matter of appeals from a Magistrate's decision.

This leaves the question of the interpretation of the law as to the transfer where Mr. Justice Beaumont has left it. You were good enough to say, when I approached you in the matter, that you would, in the event of the Supreme Court deciding it had no jurisdiction, approach the Governor for remission of the sentence, a fact which by itself would show that Mr. Justice Beaumont's decision is wrong.

I, therefore, now leave the case in your hands and enclose the papers herewith.

I am, etc.,
M. K. GANDHI

Colonial Office Records : South Africa, General, 1901

113. TELEGRAM TO COLONIAL SECRETARY, NATAL

January 23, 1901

TO
THE HONOURABLE COLONIAL SECRETARY
PIETERMARITZBURG

THE COMMITTEE OF THE NATAL CONGRESS DIRECT ME TO REQUEST HIS EXCELLENCY THE GOVERNOR TO FORWARD BY CABLE THE FOLLOWING MESSAGE TO THE ROYAL FAMILY: "BRITISH INDIANS NATAL TENDER HUMBLE CONDOLENCES[1] TO THE ROYAL FAMILY IN THEIR BEREAVEMENT AND JOIN HER MAJESTY'S OTHER CHILDREN IN BEWAILING THE EMPIRE'S LOSS IN THE DEATH OF THE GREATEST AND MOST LOVED SOVEREIGN ON EARTH."

GANDHI

Pietermaritzburg Archives : C.S.O. 1071/1901

of one Wilkinson to whom Chellagadu's master had transferred him. Gandhiji's plea that an indentured Indian could be transferred only with the consent of the Protector of Immigrants was rejected and the sentence upheld by the Circuit Court Judge.

[1] On the death of Queen Victoria who died on January 22

114. TELEGRAM TO HAJEE JAMALKHAN

[DURBAN,]
February 1, 1901

TO
HAJEE JAMALKHAN
DUNDEE

YOUR LETTER. WE ARE HAVING GREAT PROCESSION SATURDAY MORNING MARCHING TO QUEEN'S STATUE TO PLACE FLORAL WREATH.[1] PLEASE HAVE SOMETHING SIMILAR THERE SAY MEMORIAL SERVICE. NOTE ALL BUSINESS MUST BE STOPPED.

GANDHI

From a photostat of the office copy : S.N. 3766.

115. TELEGRAM TO AMOD BHAYAD AND OTHERS

[DURBAN,]
February 1, 1901

TO
(1) AMOD BHAYAD
(2) GODFREY, UMGENI COURT
(3) STEPHEN, SUPREME COURT
PIETERMARITZBURG

WE ARE TRYING TO HAVE SATURDAY MORNING GREAT INDIAN PROCESSION TO START FROM GREY STREET TO GARLAND QUEEN'S STATUE. PLEASE HAVE SOMETHING SIMILAR THERE. NOTE THAT ALL BUSINESS SHOULD BE ENTIRELY STOPPED TOMORROW.

GANDHI

From a photostat of the office copy : S.N. 3767

[1] The procession was led by Gandhiji and M.H. Nazar who carried the floral wreath on their shoulders.

116. SPEECH AT WREATH-LAYING CEREMONY

DURBAN,
February 2, 1901

Mr. M. K. Gandhi dwelt on the noble virtues of the late Queen. He referred to the Indian Proclamation of 1858, and the Queen's deep interest in Indian affairs—how she commenced the study of Hindustani language at a ripe age, and how, although she herself could not go to India to be in the midst of her beloved people, she sent her sons and grandsons to represent her.

The Natal Advertiser, 4-2-1901

117. TELEGRAM TO TAYOB

[DURBAN,]
February 5, 1901

TO
TAYOB[1]
CARE GOOL
CAPE TOWN

YOUR WIRE. FOUR NAMES[2] ARE ABDUL GANI OF CAMROODEEN, HAJEE HABIB, MALIM[3] MAHOMED AND ABDUL RAHMAN AND TRY FOR SHAMSHOODEEN OF ABDOOL HACK SAHEB. HAJEE HABIB FOR PRETORIA AND OTHERS FOR JOHANNESBURG. REPLY.

GANDHI

From a photostat of the office copy : S. N.3770

[1] A leading Indian of Cape Town

[2] These are names of Indian traders who had substantial assets in the Transvaal and wanted to return there after the Boer War.

[3] This appears to be a slip for "Halim".

118. TELEGRAM TO TAYOB

[DURBAN,]
February 6, 1901

TO
TAYOB
CARE GOOL
CAPE TOWN

PLEASE TRY FOR KARODIA ALSO IF POSSIBLE.

GANDHI

From a photostat of the office copy : S.N. 3771

119. TELEGRAM TO TAYOB

[DURBAN,]
February 9, 1901

TO
TAYOB
CARE GOOL
CAPE TOWN

CENTRAL COMMITTEE REQUIRE INFORMATION ABOUT JOHANNESBURG AND PRETORIA INDIAN STORES AND ASSETS. HAVE YOU ANY INFORMATION. IF SO STATE DEFINITELY WHAT GIVE ALSO YOUR ESTIMATE OF NUMBER STOREKEEPERS AND VALUE THEIR ASSETS. NAME OFFICER WHO REQUIRED NAMES FROM YOU.

GANDHI

From a photostat of the office copy : S.N. 3773

120. LETTER TO THE PRESS[1]

14 MERCURY LANE,
DURBAN,
February 16, 1901

DEAR SIR,

Now that the Famine Fund raised in the Colony is closed, it may be as well to give you its genesis. While the Indian community was agitating itself whether it would be possible, as in 1897, in spite of the present distressing circumstances in South Africa, to make an effort, the Viceroy's letter to the Lord Mayor of London for further help was published in the local papers, and, almost simultaneously with this, came a request to the Protector of Indian Immigrants from the Natal Agent at Calcutta to collect subscriptions from the indentured Indians. We thereupon bestirred ourselves, and, on behalf of the Indian community, H. E. the Governor was approached with a view to secure his patronage. He most graciously consented to become the Patron of any such fund that might be raised in that behalf and promised to head the list with £20. The Hon. Sir John Robinson, ex-Premier of Natal, and the Hon. Henry Bale, the Attorney-General of Natal, very actively espoused the movement. A strong Central Committee was formed with the Mayor of Durban as Chairman and the Protector of Immigrants as Honorary Treasurer, and an appeal for funds was made in the papers which, too, rendered great help. A local artist drew up a realistic cartoon which *The Natal Mercury* consented to issue as a special. The excellent pictorial representations of *The Times of India* were pressed into service. The result was that nearly £5,000 were collected, of which about £3,000 were contributed by the Europeans, £1,700 by the Indians and £300 by the natives. The magistrates in the various divisions, chairmen of Local Boards, the clergy and a band of Indian workers, besides the Committee members, vied with one another in making collections. Lady Robinson, supported by her friends, also rendered valuable help. Colour prejudice was for the time being forgotten, and the best traits of the character of the community were, in this instance, brought

[1] A Gujarati translation of this appeared in *Mumbai Samachar*, 16-3-1901.

into play. In 1897, the European contribution to the famine fund was over £200 and the Indian was about £1,200—there was no organization formed then for collections among the Europeans.

The Viceroy has acknowledged the generosity of Natal in very suitable terms.

I am,
Yours truly,
M. K. GANDHI

From a photostat of the office copy : S.N. 3777, and *India*, 15-3-1901

121. TELEGRAM TO C. BIRD

DURBAN,
March 7, 1901

TO
C. BIRD, ESQ.[1]

MR. K. C. DINSHAW SON OF LATE MR. ADENWALA C.I.E. ADMIRALTY AGENT LOURENCO MARQUES LEFT DURBAN FORTNIGHT AGO FOR CAPETOWN ON BUSINESS. HE HAS NOW RETURNED PER "SCOT" BUT BEING PREVENTED FROM LANDING BEING COLOURED PASSENGER. MR. DINSHAW HOLDS SPECIAL CERTIFICATE FROM CAPE. PORT OFFICER DR. FERNANDER SAYS HE HAS COMMUNICATED WITH GOVERNMENT. MAY I ASK YOU TO WIRE PERMISSION FOR MR. DINSHAW TO LAND? AM WIRING YOU PERSONALLY TO SAVE TIME AS MATTER VERY URGENT.

GANDHI

Pietermaritzburg Archives : C.S.O. 1929/1901

[1] Colonial Secretary, Natal

122. TELEGRAM TO COLONIAL SECRETARY, NATAL

[DURBAN,
March 8, 1901]

TO
HONOURABLE COLONIAL SECRETARY
PIETERMARITZBURG

I BEG TO THANK YOU FOR YOUR WIRE EVEN DATE GRANTING PERMISSION FOR MR. DINSHAW TO LAND ON CONDITIONS MENTIONED THEREIN.

GANDHI

Pietermaritzburg Archives : C.S.O. 1929/1901

123. LETTER TO HEADS OF INDIAN SCHOOLS

(A Circular Letter)

DURBAN,
March 19, 1901

DEAR SIR,

As you know, Mr. Russell delivered an address to the Indian children in the Town Hall on the reign of our late beloved Kaiser-i-Hind, and a memorial souvenir[1] was presented on behalf of the Indian community to the children. The Committee consider that the other Indian children, too, who could not possibly attend the function, should receive the souvenir. It is worth preserving and I would suggest that one copy should be framed and hung in the schoolroom, and each pupil should be induced either to frame it, if he can afford it, or neatly paste it on a nice piece of thick cardboard and hang it in his room.

Will you kindly let me know how many pupils you have in your school so that I may post the number of copies?

[1] This souvenir consisted of a photograph of Queen Victoria, with an extract from her Proclamation of 1858 to the people of India, at the top; six dates in her life, in relation to India, at the bottom; a map of India in 1901 showing it as a British possession; and her remark "I will be good", when she was informed at the age of 12 that she was the future Queen of England. *Vide* illustration facing p. 25.

If you can induce local storekeepers to decently frame and exhibit it in their show window, a few more copies could be sent. At the same time, as we have only a limited supply, I would ask you to be good enough to restrict yourself to the exact number required.

May I also suggest that you should carefully study Mr. Russell's address and discourse upon it to your pupils, so that they may have a fairly good idea of the ever-memorable reign.

Yours faithfully,
M. K. GANDHI

From a photostat of the office copy : S.N. 3789

124. TELEGRAM TO P. S. TO HIGH COMMISSIONER

[DURBAN,]
March 25, 1901

TO
PRIVATE SECRETARY TO
HIS EXCELLENCY HIGH COMMISSIONER
JOHANNESBURG

SOME BRITISH INDIANS WHO ARE AT PRESENT IN PRETORIA AND JOHANNESBURG WRITE TO INDIAN REFUGEE COMMITTEE SAYING THEY HAVE RECEIVED NOTICE TO REMOVE TO LOCATIONS, THEY ARE NOT ALLOWED WALK ON FOOTPATHS AND THAT GENERALLY ANTI-INDIAN LAWS OF THE LATE REPUBLIC ARE BEING STRICTLY ENFORCED. I AM REQUESTED RESPECTFULLY TO DRAW HIS EXCELLENCY'S ATTENTION TO THE ADMISSION OF HIS MAJESTY'S GOVERNMENT THAT SUCH LAWS ARE OBJECTIONABLE, AND THE STATEMENT THAT THEY WOULD ENDEAVOUR TO HAVE THEM REPEALED. THE LAWS IT APPEARS WERE NEVER UNDER THE OLD REGIME ENFORCED AS THEY NOW ARE AND PENDING FINAL SETTLEMENT COMMITTEE PRAYS FOR RELIEF.

GANDHI

From a photostat of the office copy : S.N. 3792

125. TELEGRAM TO PERMIT SECRETARY

[DURBAN,]
March 25, 1901

TO
PARWANA[1]
CAPE TOWN

YOUR TELEGRAM 21ST INST. LARGE MEETINGS OF REFUGEES HELD YESTERDAY HAVE NOMINATED MR. ABDUL GANI OF MAHOMED CASSIM CAMROODEEN & CO. MR. M. S. KAVADIA, JOHANNESBURG, MR. HAJEE HABIB HAJEE DADA, PRETORIA, MR. ADBUL RAHMAN, POTCHEFSTROOM, AS IN THEIR HUMBLE OPINION THE MINIMUM WHO SHOULD BE ALLOWED PERMITS IN VIEW OF LARGE INTERESTS AT STAKE. THEY CONSIDER ONE PERMIT TOO FEW IF IMPOSSIBLE TO GRANT FOUR THE ABOVENAMED REPRESENTATIVES APPOINT MR. ABDUL GANI TO BE THE FIRST TO GO I AM REQUESTED TO SUBMIT THAT SEEING THAT HUNDREDS OF OTHER REFUGEES HAVE RECEIVED PERMITS AND ALMOST ALL EUROPEAN STORES PRETORIA AND JOHANNESBURG ARE NOW OPEN, THEY FEEL VERY KEENLY THAT INDIANS HAVE NOT RECEIVED THEIR FAIR SHARE OF PERMITS AND EVEN FOUR WOULD NOT MEET THEIR NEEDS. IF HIS EXCELLENCY CAN GRANT THE PRAYER OF THE MEETING AS TO FOUR THE FAVOUR WOULD BE MUCH APPRECIATED

GANDHI

From a photostat of the office copy : S.N. 3793

[1] Telegraphic address of the Permit Secretary to the High Commissioner at Cape Town

126. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
March 30, 1901

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I have the honour to acknowledge your letter of the 18th inst.

May I enquire whether His Excellency the Governor has issued any instructions in terms of Sect. 1 of the Act,[1] or whether the Health Officer acted on his own responsibility in Mr. Dinshaw's case, under Sect. 2 of the Act, and whether the report in the newspapers to the effect that instructions have been issued to the Steamship Companies not to take any Asiatic passengers for Durban from Cape Town and the intermediate ports is correct?

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 1929/1901

127. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
March 30, 1901

TO
THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

A kind friend has sent me a copy [of an] extract from General Buller's dispatch wherein among the officers mentioned is included my name, described as "Mr. Gandhi, Asst. Supt., Indian Ambulance Corps". If the extract is complete, according to my

[1] The reference is to the Act No. 26, 1899.

correspondent, no more officers of that Corps are thus mentioned. If that be so, and if the credit given is to the Assistant Superintendent as such, it belongs to Mr. Shire, who was the only Gentleman in the Corps recognized as such. And if the description of the office is of no consequence and if I am entitled to any credit for having done my duty, it is due in a greater measure to Dr. Booth, now Dean of St. John's, and to Mr. Shire, who spared no pains in making the Corps the success it proved to be. If I may venture to estimate their work, it is due to them to state that Dr. Booth's services as Medical Officer in particular and adviser and guide in general were simply inestimable, and Mr. Shire's were equally so in connection especially with the internal administration and discipline.

May I ask you to bring the contents of this communication to the notice of the Military Authorities.[1]

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 1901/2888

128. CABLE TO BRITISH COMMITTEE OF I.N.C. AND OTHERS[2]

[DURBAN,]
April 16, 1901

TO
(1) INCAS[3]
(2) EAST INDIA ASSOCIATION
(3) SIR MANCHERJI BHOWNAGGREE
LONDON

HUNDREDS EUROPEAN CIVILIAN REFUGEES MALE FEMALE ALLOWED RETURN TRANSVAAL. ALL BUT INDIAN

[1] Forwarding this to the Principal Under-Secretary, the Commanding Officer, Natal, wrote: "I think this was meant as a compliment to Mr. Gandhi's nationality, of which the Bearer Corps was formed. No doubt the work of the other gentlemen was equally of great value, but it is difficult to include all names." *Vide* also "Letter [illegible] lonial Secretary, Natal", p. 217.

[2] This appeared in *India*, 19-4-1901, and also some other newspapers in London.

[3] Telegraphic address of the British Committee of the Indian National Congress in London

SHOPS OPEN. AUTHORITIES OFFERED MONTH AGO TWO PERMITS FOR THOUSANDS INDIAN REFUGEES NONE GRANTED YET. SUFFERING HEAVILY. PLEASE HELP INDIAN COMMITTEE[1].

GANDHI

From a photostat of the office copy : S.N. 3810

129. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
April 18, 1901

TO
THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I have the honour to acknowledge your letter of the 16th instant in reply to my letter of the 30th ultimo with reference to the special mention in General Buller's dispatch of officers of the locally raised Volunteer Indian Corps, and I beg to thank you for the same.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 1901/2888

130. A CIRCULAR LETTER[2]

DURBAN,
April 20, 1901

SIR,

The position of the British Indians in the Transvaal and the Orange River Colony is sufficiently serious to call for a statement

[1] Indian Refugee Committee

[2] This was sent to friends of India in England. A copy was also sent to the Secretary of State for the Colonies. It appeared in *India*, 24-5-1901, with minor changes, as "From a Correspondent".

from us to enable you to move in the matter. It will be recollected that Mr. Chamberlain has lately announced that the legislation of the late South African Republic and the Orange Free State would, "so far as possible", be adopted by the Imperial Government. The question at once arose in our minds whether the anti-Indian legislation of the old governments was included in the qualifying clause "so far as possible". If the present regime is any test of the future, then, indeed, the question has been solved for us to the horror of every Indian in South Africa. The whole of the anti-Indian legislation in the Transvaal is being enforced with a rigour unknown before. The laxity of the late Government was totally in our favour. Though the Location Law was there, and the cab regulations, footpath and numerous other bye-laws existed in the Statute Book, they were more or less a dead letter. The enforcement of the Location Law, although often threatened, was never carried out as against the respectable Indians, the storekeepers and others, and only a few—very few—actually suffered the indignity of the footpath and other bye-laws. All is now changed. Every anti-Indian ordinance of the late Government is being unearthed, and, with strict British regularity, applied to the victims. The handful of poor Indians that were unable to leave the Transvaal before the war broke out, and who are therefore now there, have protested against the enforcement, but so far in vain. The following telegram was forwarded to His Excellency the High Commissioner on the 25th March last:

> To Private Secretary, His Excellency High Commissioner: Some British Indians, who are at present in Pretoria and Johannesburg, write to Indian Refugee Committee saying they have received notice to remove to Locations, they are not allowed walk on footpaths, and that generally anti-Indian laws of the late Republic are being strictly enforced. I am requested respectfully to draw His Excellency's attention to the admission of His Majesty's Government that such laws are objectionable and the statement that they would endeavour to have them repealed. The laws, it appears, were never under the old regime enforced as strictly as they now are and, pending general settlement, Committee prays for relief.

We are anxiously awaiting reply; but the non-receipt of any reply till now forebodes, we are afraid, disappointment. It should be recollected that the protests against such legislation made by the then British Agent, as well as the Secretary of State for the Colonies, had much to do with the laxity of the Republican

officials above alluded to. Mr. Chamberlain's reply, from which the following extracts are taken, to the Indian Memorialists as to the Location Law was very sympathetic, and shows clearly that he strongly disapproved of it, and stopped only when he felt helpless:

> I regret extremely that I cannot return a more encouraging answer to the memorial before me, for the petitioners have my sympathy. I believe them to be a peaceable, law-abiding, and meritorious body of persons, and I can only hope that, even as matters stand, their undoubted industry and intelligence, and their indomitable perseverance, will suffice to overcome any obtsacles which may now face them in the pursuit of their avocations.
>
> In conclusion, I would say that, whilst desirous loyally to abide by the award and to allow it to close the legal and international questions in dispute between the two Governments, I reserve to myself the liberty, later on, to make friendly representations to the South African Republic as to these traders, and possibly to invite that Government to consider whether, when once its legal position has been made good, it would not be wise to review the situation from a new point of view, and decide whether it would not be better in the interests of its own burghers to treat the Indians more generously, and to free itself from even the appearance of countenancing a trade jealousy, which I have some reasons to believe does not emanate from the governing class in the Republic.

Are we, then, when everything is in his power, to groan under all the disabilities which so roused his indignation? Even a few weeks before the war broke out, the British Agent assured the deputation that waited on him at Pretoria, that everything short of a declaration of war was done by him, that negotiations were still going on, and that if, unfortunately, the threatened war broke out, we need not bother further thereabout. Lord Lansdowne has declared publicly that the anti-Indian legislation which was clearly in breach of the Pretoria Convention was one of the principal causes of the war. Is, then, the very evil to remove which, among others, the war has been entered upon, to be continued under the very shadow of the British flag, and when the Colonial Office cannot even put forth the excuse that it has not sufficient control over the self-governing Colonies? For, neither the Transvaal nor the Orange River Colony has yet got self-government.

We notice with much regret and misgiving that the King's speech on the opening of Parliament piontedly refers to the equality of all the white races south of Zambezi, and a fair treatment

of the native races, as the only objects in view at the time of the coming settlement. Before the war, it used to be "equal rights for all the civilized races in South Africa". If, therefore, the change to "the whites" is deliberate, it suggests a cause for grave anxiety.

We attach hereto an abstract of the laws of the late Republican State affecting the Indians. The question is most serious, our position most painful. Labouring under the oppressive yoke, we feel too exhausted to make an effort ourselves. We can only cry out in anguish. It is for you to help us to be free from the grievous burden. We have done, we hope, everything to deserve better treatment. We have taken our share, however humble, side by side with the European Colonists in the war, and have endeavoured to show that, if we are anxious and ready to pray to be allowed to enjoy the rights and privileges of British subjects, we are not unmindful of our duty as such. We have shown also, incontestably, that there is absolutely nothing in us to justify all the indignities we have to suffer in South Africa.

A great and combined effort on the part of the public bodies and the public Press in India, and the friends in England, cannot fail to secure justice. It is perfectly feasible in that, as there are, there can be no two opinions about the justness of our cause. The time, too, is now or never; for, after the settlement has taken place, it is clear from experience that no amelioration would be possible.

We remain,
Your obedient servants,
MAHOMED CASSIM CAMROODEEN & CO.,
AND NINETEEN OTHERS

ABSTRACT [OF] LAWS

OF THE LATE SOUTH AFRICAN REPUBLIC AND THE ORANGE FREE STATE AFFECTING BRITISH INDIANS ONLY.

SOUTH AFRICAN REPUBLIC

Every Indian must take out a Registration Ticket for £3.

When the officials treated the Indians as the natives of the soil, they insisted upon their taking out shilling travelling passes.

The railway regulations prevent Indians from travelling first or second class.

No Indian can own native gold, or take out a digging licence. (This law has not operated as a hardship, as the Indians have not gone in for speculation.)

Law 3 of 1885 gives the Government the right to point out to the Indians, for sanitary purposes, certain Locations for habitation. An attempt was made before the war to send away all the Indians in Johannesburg to a Location nearly five miles from the centre part of the town, where it was proposed to restrict their trade also.

Certain bye-laws in Pretoria prevent the use, by the Indians, of foot-paths and public vehicles.

N.B.—For fuller information hereon, *vide* letter to the British Agent, 21st July, 1899, and memorial to the Secretary of State for the Colonies, May [16], 1899.

ORANGE FREE STATE

Chapter 33 of 1890 prevents any Asiatics from (1) remaining in the State for more than two months without permission from the State President; (2) owning landed property; (3) trading or farming.

Chapter 71 levies a poll tax of 10s. per annum when permission to reside has been granted, subject to restrictions mentioned above.

N.B.—The full text of the anti-Asiatic laws of the late Orange Free State is set out in general letter, dated 24th February, 1896.

From a photostat of a printed copy : S.N. 3814-5

131. ADDRESS TO EX-GOVERNOR OF BOMBAY[1]

DURBAN,
April 20, 1901

MAY IT PLEASE YOUR LORDSHIP,

We the undersigned, representing British Indians residing in Natal, venture respectfully to welcome Your Lordship in our midst. Knowing as we do Your Lordship's intimate connection with India, and more especially with Bombay, we feel that we would have failed in our duty if we had not taken the opportunity of paying our respects to Your Lordship. We feel very thankful to Your Lordship for having graciously consented, at so short a notice, to meet us so as to enable us to testify our regard for a former representative of India of our beloved Kaiser-i-Hind.

[1] At a reception presided over by the Mayor, Durban Indians presented this to Lord George Canning Harris, sometime Governor of Bombay, who was passing through Durban on his way to London.

We wish Your Lordship a pleasant voyage and a long life of usefulness to our gracious Sovereign, and venture to hope that Your Lordship will always keep in your heart a corner for the Indian settlers in this Garden Colony.

We beg to subscribe ourselves, etc.

The Natal Advertiser, 22-4-1901

132. LETTER TO BRITISH COMMITTEE OF I.N.C AND OTHERS

P. O. Box 182,
DURBAN,
April 27, 1901

DEAR SIR,

I beg to enclose herewith a copy of the cablegram[1] forwarded to you on behalf of the Indian refugees from the Transvaal. Day by day, the list of Europeans receiving permits to go to the Transvaal is swelling; but up to the time of writing not one permit has been granted for the Indian refugees. Representations were made to Lord Roberts when he was in South Africa, also to the High Commissioner, but all without avail. Mr. H. T. Ommanney (retired I.C.S.) who has been appointed Permit Secretary to the High Commissioner has been endeavouring to secure some for us, and last month even went so far as to telegraph for one representative merchant's name from Durban, the other being from Cape Town. A name was there and then submitted to him under protest that one permit was almost useless, but even that has not been granted.

I venture to hope that action has already been taken by you in the matter, and that as a result some relief would be granted ere this reaches you.

Copies of the cablegram have been sent to . . .[2]

With reference to the circular letter[3] sent to you last week, I enclose herewith copy of the replies[4] received to the representations made by the few British Indians who are at present in

[1] *Vide* pp. 216-7.
[2] The omission is as in the source.
[3] *Vide* pp. 217-21.
[4] These, with extracts from this letter, apeared in *India*, 24-5-1901.

Pretoria and Johannesburg and who were unable to leave the Transvaal before the hostilities broke out.

I am,
Yours truly,

From a photostat of the office copy : S.N. 3817

[ENCLOSURE]

IMPERIAL GOVERNMENT, MUNICIPALITY,
JOHANNESBURG,
November 24, 1900

TO
MESSRS N. G. DESAI AND OTHER PETITIONERS
P.O. Box 3348
JOHANNESBURG

SIRS,

I am in receipt of your letter of the 22nd instant. The Regulations to which you refer were passed by the late Town Council, and it is not the intention of the military authorities to alter any regulations which existed before the date of British occupation.

I beg to suggest that a petition of a similar nature should be sent to the first Town Council appointed.

Yours faithfully,
(Signed) O'MEARA MAJOR,
ACTING BURGOMASTER

FROM
SUPERVISOR OF INDIAN IMMIGRANTS

PRETORIA,
March 15, 1901

TO
E. OSMAN LATIFF
P. O. Box 4420
JOHANNESBURG

I beg to inform you that the Military Governor's former decision remains unaltered in so much as all "Asiatics", Hindus and Mahomedans that are in Pretoria "now" must reside in the Coolie Location. As regards Asiatic general dealers "in a big way", their request to reside in the town may be considered, but as none of such a class are at present in Pretoria the order stands that all Asiatics at present in Pretoria must reside in the Location. The Military Governor has kindly sanctioned that two men may reside in the "Mosque" to look after the same. I have this day ordered all Asiatics at present residing in the town to go and live in the Location.

(Signed) J. A. GILLAM

India, 24-5-1901

133. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
April 30, 1901

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I venture to address you on the Indian Immigration Amendment Act Bill published in this week's *Government Gazette*.

The first section of the Bill provides that the rate of wages payable to any Indian woman under the Act of 1895 shall be one half of the respective rates provided therein, or such other special rate as may be agreed upon by the employer and the woman. I presume the Government intend one half of the rates provided in the Act of 1895 to be the minimum, but I think such intention is not sufficiently clear from the wording of the section. May I suggest the addition of "but in no case less than one half of the respective rates aforesaid".[1]

I beg to draw your attention to the fact that the Law 25 of 1891 provides for the wages of Indian women to be half those of men, and I hope the Government do not propose to make alteration in the minimum.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 3486/1901

[1] The suggestion was accepted.

134. LETTER TO R. J. C. LORD[1]

DURBAN,
May 4, 1901

TO
THE HON'BLE R. J. C. LORD
[BOMBAY]

[SIR,]

I am requested specially to forward the enclosed[2] to you and humbly to suggest that some action might be taken in the various Legislative Councils in India, and if that be not possible, in the Viceregal Council, though seeing that Bombay, Madras and Calcutta send a very large number of immigrants to South Africa, there is no reason why the local Governments should not take notice of the disabilities which the British Indians are labouring under.

This question is one of those about which there is a unanimity of Indian and Anglo-Indian opinion; and I venture to think that united action on the part of the non-official members will do much for our cause. There is very little doubt that the official sympathy would also be with us, and under the strong and sympathetic Viceroy we have in Lord Curzon, the great question which underlies our disabilities (as put by the London *Times*)—"May the British Indians when they leave India have the same status before the law as other British subjects enjoy. May they or may they not go freely from one British possession to another and claim the rights of British subjects in allied states"—cannot but be decided favourably if only it is sufficiently brought to His Excellency's notice.

Colonial Office Records : South Africa, General, 1901

[1] The Government of Bombay sent this to the Government of India which forwarded it to the Secretary of State for India with its Despatch No. 35 of 1901. The India Office appended to it Chamberlain's reply to the effect that the question of status of British Indians in the Transvaal and the Orange River Colony had been reserved for consideration of Lord Milner on his return to South Africa.

[2] *Vide* pp. 217-21.

135. PETITION TO MILITARY GOVERNOR[1]

P. O. Box 4420,
JOHANNESBURG,
May 9, 1901

TO
HIS EXCELLENCY
COLONEL COLIN MACKENZIE
MILITARY GOVERNOR
JOHANNESBURG

MAY IT PLEASE YOUR EXCELLENCY,

We, the undersigned members of the Indian community of Johannesburg, beg respectfully to bring to your knowledge that an important Notice has appeared in the *Johannesburg Gazette*, wherein [it is stated that] an Indian Immigration Office has been opened to deal solely with all Asiatics, and whereby all such subjects have to get their passes changed, and to deal with all Government matters that they may be interested in.

We beg to point out that hitherto our dealings direct with His Imperial Majesty's Authorities have been carried out without any complaint, and we fear that this new departure will lead to dissatisfaction amongst many of our fellow-subjects.

We have not seen any notice regarding the changing of passes of the subjects of foreign countries, and we thus infer that a distinction is being made; if this be so, we shall be grieved thereat.

We have ever been loyal and desire to be direct under the Imperial Authorities, as heretofore, whose treatment and kindness we greatly appreciate.

Trusting that Your Excellency will give this matter your serious consideration and grant our humble request,

We subscribe ourselves,

Your Excellency's most humble
and obedient servants,

From a photostat of the office copy : S.N. 3822-3

[1] A similar petition was addressed the next day to the British High Commissioner and Governor of the Transvaal, signed by Osman Hajee Abdul Latif and 139 others.

136. LETTER TO EAST INDIA ASSOCIATION

P. O. Box 182,
DURBAN,
May 18, 1901

TO
THE HONORARY SECRETARY
EAST INDIA ASSOCIATION
LONDON

DEAR SIR,

I write this particularly to suggest the advisability of a deputation waiting on Sir Alfred Milner, if indeed not also on Mr. Chamberlain. There is no doubt that most important matters will be discussed between the two statesmen and, if a strong deputation representing all shades of opinion and consisting of, say—Sir Lepel, Mr. Dadabhai, Sir William Wedderburn, Sir Mancherji, Messrs Romesh Dutt[1], Parameshvaram Pillay, Gust, etc., were to put the Indian question before them, it cannot but do good. From the conversation I used to have with Lords Northbrook and Reay, I am inclined to think that, if either of them were approached, he would lead the deputation. The facts you would need have all been already supplied.

Letters in a similar strain are being sent to the British Committee of the Indian National Congress, etc.

I am,
Yours truly,

From a photostat of the office copy : S.N. 3825

[1] Romesh Chundra Dutt, Indian Civil Servant, economist and historian; presided over the Congress session at Lucknow in 1899

137. TELEGRAM TO TAYOB

[DURBAN,]
May 21, 1901

TO
TAYOB
CARE GOOL
CAPE TOWN

PLEASE SEND TWO CAPETOWN REFUGEES NAMES PROPERLY ELECTED FOR SUBMISSION TO PERMIT SECRETARY.

GANDHI

From a photostat of the office copy : S.N. 3828

138. TELEGRAM TO PERMIT OFFICE

[DURBAN,]
May 21, 1901

TO
PERMITS
JOHANNESBURG

YOUR TELEGRAM 20 INSTANT. BEG TO SUBMIT NAMES MR. HAJEE HABIB PRETORIA MESSRS M. S. COOVADIA AND I. M. KARODIA JOHANNESBURG, MR. ABDUL RAHMAN POTCHEFSTROOM FOR FURTHER PERMITS. HAVE WIRED CAPETOWN FOR TWO NAMES. THE FOUR NAMES MAY BE CONSIDERED AS REFUGEES NATAL NOT DURBAN. MOST PRINCIPAL REFUGEES RESIDE IN DURBAN. NAMES ARE REPRESENTATIVE AND SELECTED AT MEETING REFUGEES. RESPECTFULLY SUBMIT THAT EVEN FOUR PERMITS FOR NATAL TOO FEW.

GANDHI

From a photostat of the office copy : S.N. 3827

139. *LETTER TO PERMIT OFFICE*

[DURBAN,]
May 21, 1902

TO
H. T. OMMANNEY, ESQ.
PERMIT OFFICE
JOHANNESBURG

SIR,

I have the honour to acknowledge your telegram of the 20th instant and have been instructed by the Indian Refugee Committee to tender its thanks for same.

I beg now to submit the following four names for Natal, namely, Hajee Habib Hajee Dada, Pretoria; M. S. Coovadia, Johannesburg; I. M. Karodia, Johannesburg and Abdool Rahman, Potchefstroom. Three of those refugees are in Durban and one (Mr. A. Rahman) in Ladysmith. These are representative names and have been selected at a meeting of the Indian refugees. The meeting laid down more than these names as the minimum and, therefore, to bring the number to four, lots had to be drawn. Most of the Indian refugees are in Durban and I have been requested to draw your attention to the fact that the four permits for Natal are too few.

I have wired for two names from Cape Town.

I have the honour to be,
Sir,
Your obedient servant,

From a photostat of the office copy : S.N. 3829

140. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
May 21, 1901

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

An Indian named Kara Tricam was robbed of a purse containing £40, in daylight, in West Street on the 6th instant by certain Europeans. One of the men was caught and partly tried on the 10th instant. The man who was tried was released on bail which he had forfeited. I applied for £40 out of the bail at the Criminal Investigation Department office and was told to write to the Government for it.

I now beg to apply for the sum of £40 to be paid to my client out of the bail money. If any further proof than that recorded before the Magistrate be required as to the possession by my client of £40, I would be prepared to submit it to the Government.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O.. 4258/1901

141. LETTER TO REVASHANKAR ZAVERI

14 MERCURY LANE,
DURBAN,
May 21, 1901

RESPECTED REVASHANKARBHAI[1],

Mansukhlal's[2] letter brought me news of the passing away of Kavishri[3]. I also saw it later in the papers. It was hard to

[1] Revashankar Jagjivan Zaveri, a life-long friend of Gandhiji
[2] Raychandbhai's brother
[3] Rajchandra Ravjibhai Mehta, or Raychandbhai, a poet and 'seeker after Truth', whom Gandhiji regarded as his "guide"; *vide* Vol. XXXIX, pp. 74-6.

believe the news. I can't put it out of my mind. There is very little time in this country to dwell on any matter. I got the letter while I was at my desk. Reading it, I felt grieved for a minute and then plunged immediately into my office work. Such is life here. But whenever there is a little leisure, the mind reverts to it. Rightly or wrongly, I was greatly attracted to him and I loved him deeply too. All that is over now. So I mourn out of selfishness. What consolation can I then give you?

Respectfully yours,
MOHANDAS

From the Gujarati original : C.W. 2936

142. TELEGRAM TO TAYOB

[DURBAN,]
June 1, 1901

TO
TAYOB
CARE GOOL
CAPE TOWN

WHY NO REPLY 21ST.[1] REPLY SHARP.

GANDHI

From a photostat of the office copy : S.N. 3835

143. A LETTER[2]

DURBAN, NATAL,
June 1, 1901

SIR,

The papers received this week contain news that Mr. Chamberlain, in reply to Mr. Caine's question on the subject of the permits for the return of the Indian refugees to the Transvaal, informed him that at the request of Sir Mancherjee he had already cabled to Sir Alfred Milner in the matter.

Reuter's message received this week says that, in reply to another question, Mr. Chamberlain said that the anti-Indian laws

[1] *Vide* "Telegram to Tayob", p. 228.
[2] Presumably this was addressed to the British Committee of the Indian National Congress.

of the late South African Republic would remain in force until modified. Mr. Chamberlain does not seem to have added that the laws will not be enforced in practice as they were not under the old regime. In the absence of any such understanding, the present state will be far worse than the old. I confess this news has disappointed us.

Although the workers here have imbibed their zeal and ideas of duty from the self-sacrificing devotion of the Congress leaders and are content to copy the Congress pattern, they have appealed to all parties for help and there seems to be no difference of opinion as to the justness of the cause. Holding this view, we feel that it suffers for want of concerted action on the part of the different friends.

The East India Association has already suggested joint action and I respectfully submit that a large measure of success would be attained if a small committee of persons representing all shades of opinion were formed and a concerted move were always made.

An unsympathetic reply from the Colonial Secretary produces a bad impression here and encourages further opposition to the Indians. The method, therefore, of obtaining information by letter to Mr. Chamberlain or a personal interview is, in my humble opinion, better adapted to the circumstances of our case. Mr. Chamberlain's reply, cabled by Reuter as above, is calculated to do some mischief. The interpretation put upon it is that he will yield to popular clamour and give up the Indians entirely.

I know that we who are on the spot suffer from the nearness of vision and may consequently take merely a narrow and parochial view and may not give due attention to the situation there or the position of the leaders working in our behalf. If, therefore, there is anything presumptuous in my suggestion, I trust you will be good enough to overlook it.

I am sending a copy of this letter to the Honourable Dadabhai Naoroji.

I remain,
Yours truly,

From a photostat of the office copy : S.N. 3836

144. A NOTE

DURBAN,
June 2 [1901]

This cheque is issued in accordance with the Congress resolution. The resolution was to the effect that funds should be collected for Mr. Dunn's school and if they were not adequate, the Congress should pay Mr. Dunn the balance that would remain after the purchase of Mr. Sheikh Fareed's property. It does not seem likely that the collections will swell now and hence this cheque is being issued today.

Resolution, 23rd November 1900

M. K. GANDHI

From a photostat of the original in Gujarati : S.N. 3837

145. TELEGRAM TO M. C. CAMROODEEN

[DURBAN,]
June 14, 1901

TO
CAMROODEEN
Box 299
JOHANNESBURG

PERMITS NOT RECEIVED. ENQUIRE.

GANDHI

From a photostat of the office copy : S.N. 3847

146. A CIRCULAR LETTER

DURBAN,
June 19, 1901

DEAR SIR,

It has been proposed to present their Royal Highnesses the Duke and Duchess of Cornwall and York with an address[1] on the occasion of their visit to the Colony.

[1] *Vide* pp. 238-9.

The address is estimated to cost at least £75 but, if a larger amount could be raised, it is the intention to illuminate it on a better scale.

Subscriptions are being collected in Durban, the highest is £3-3-0 from Messrs M. C. Camroodeen & Co. But as it will be a general address from the Indian community it is desirable that the other districts should subscribe.

Will you be good enough to send your own subscription, and make a collection in your district, the same to be closed and the return to be made on or before the 5th of next month?

Yours faithfully,
M. K. GANDHI

From a copy : C.W. 10873

147. TELEGRAM TO DOUGLAS FORSTER

[DURBAN,]
June 20, 1901

TO
DOUGLAS FORSTER
RANDCLUB
JOHANNESBURG

KINDLY ENQUIRE PROMISED PERMITS NOT YET RECEIVED NAZAR.

GANDHI

From a photostat of the office copy : S.N. 3849

148. LETTER TO M. M. BHOWNAGGREE

P. O. Box 182,
DURBAN, NATAL,
June 22, 1901

DEAR SIR MANCHERJI,

I acknowledged last week your two letters. Since then I have received yours of the 24th ultimo. Your letters have revived our spirits, and I beg to thank you on behalf of the poor sufferers in South Africa for the great work you are doing. We on this side entirely agree with you that so far as possible the thing should be managed by friendly interviews, such as you have been having with Mr. Chamberlain and others, for an unsympathetic

answer to a question in the House cannot but do a great deal of damage—where justice is entirely on our side, and no difference of opinion exists between the several parties. A constant reminder to the authorities and unwearying vigilance are all that is needed in order to secure the desired result. We have anticipated you in the suggestion as to a combined movement in India, and letters[1] have been addressed to the leaders on that side requesting them to promote memorials and put questions in the Viceregal Council. At the same time, I am not very hopeful of success, owing to the absence there of any organized committee to deal exclusively with the South African Question, or rather with the question of grievances of the Indian emigrants. But a combined powerful representation to the India Office from the East India Association and the Congress Committee may well supplement or take the place of what may be done in India.

I know that you feel very keenly in this matter of our disabilities, and that they are bad enough to arouse righteous indignation in the coolest head. But may I ask you not to mar the sterling work you are doing there by precipitating a hot debate unless you are sure of success. We fully realize that no man in England is more capable of doing justice to this matter than yourself owing to the warm interest you take in it, your position in the House, your influence with the authorities and above all your willingness to work.

The information supplied to Mr. Chamberlain by the authorities in the Transvaal with reference to the cablegram[2] sent to you as to the permits is, I venture to say, misleading. I still affirm that the cablegram is correct. The information was derived from the report sent to the local newspapers by their special correspondents. I went over yesterday myself to see the Secretary of the Uitlander Committee and he told me emphatically that most of the shops are open, and that the requirement that the men should join the Rand Rifles is more or less a formality, and surely, if they don't want the Indians to join the Rand Rifles, it should not, to say the least, be used as a bar against their return; and it should be recollected that many European ladies have been allowed to proceed, and that it is a daily occurrence to see a crowd of families entraining for the Transvaal. I regret to have to inform you that up to the time of writing no further permits have been received, though six have been

[1] These are not available.

[2] *Vide* pp. 216-7.

promised—four for Natal and two for Cape Town. But, of course, the question of permits is, after all, insignificant, and only a temporary, though, while it lasts, a very severely felt, difficulty compared to the all-absorbing question—what is to be the position of the Indians under the new regime? There is yet no declaration to the effect that, at the very least, the existing legislation will be considerably modified. Our hopes are centred in what the friends in London may, taking advantage of Lord Milner's presence there, accomplish.

I hope to write more next week; in the mean while, with renewed thanks,

I am,
Yours very truly,

From a photostat of the office copy : S.N. 3853

149. SPEECH AT INDIAN SCHOOL[1]

[DURBAN,
Before *June 28, 1901*]

Mr. M. K. Gandhi, in moving a vote of thanks to His Excellency, said he thought the Indian community might take just pride and feel very highly gratified in the fact that His Excellency, in the very early stage of his administration, should come in touch with them, and that in such an agreeable manner. He recalled to mind the competition between the Irish Association and the Indian community on the occasion of the visit of Lord Roberts. The Irish Association claimed His Lordship as an Irishman, and the Indians claimed him as an Indian. His Excellency had already been claimed by the Scotchmen, but he thought they had good grounds for claiming Sir Henry to be an Indian by adoption. He expressed the hope that the Government would let them have a gymnasium and singing classes they had promised. He also hoped they would grant a girls' school on the model of the Indian Higher Grade School.

The Natal Mercury, 28-6-1901

[1] Gandhiji spoke at the prize distribution function of the Government Higher Grade Indian School in Durban. The Governor of Natal, Sir Henry McCallum, presided.

150. TELEGRAM TO PERMIT OFFICE

[DURBAN,]
July 2, 1901

TO
PERMITS
JOHANNESBURG

MY LETTER TWENTY-FIRST MAY. INDIAN REFUGEE COMMITTEE RESPECTFULLY REQUEST INFORMATION REGARDING PERMITS PROMISED YOUR WIRE TWENTIETH MAY.

GANDHI

From a photostat of the office copy : S.N. 3858

151. TELEGRAM TO COLONIAL SECRETARY, NATAL

[DURBAN,]
July 26, 1901

TO
HONOURABLE COLONIAL SECRETARY
PIETERMARITZBURG

MAY I ENQUIRE WHETHER CLAUSES OF CORPORATIONS BILL OBJECTED TO BY INDIAN PETITIONERS HAVE PASSED COMMITTEE AND IF NOT WHETHER GOVERNMENT PROPOSE TAKING ANY ACTION.

GANDHI

From a photostat of the office copy : S.N. 3866

152. TELEGRAM TO HENRY BALE

[DURBAN,]
August 8, 1901

TO
SIR HENRY BALE
PIETERMARITZBURG

BEG RESPECTFULLY TO TENDER CONGRATULATIONS ON BEHALF OF MY COUNTRYMEN ON THE HONOUR CONFERRED ON YOU BY HIS MAJESTY

From a photostat of the office copy : S.N. 3876

153. TELEGRAM TO C. BIRD

[DURBAN,]
August 8, 1901

TO
C. BIRD, ESQ., C. M. G.
PIETERMARITZBURG

BEG TO TENDER CONGRATULATIONS ON THE HONOUR CONFERRED ON YOU BY HIS MAJESTY THE KING-EMPEROR.

From a photostat of the office copy : S.N. 3877

154. ADDRESS TO THE DUKE AND THE DUCHESS[1]

[DURBAN,
August 13, 1901][2]

ADDRESS TO THEIR ROYAL HIGHNESSES THE DUKE AND DUCHESS OF CORNWALL AND YORK

MAY IT PLEASE YOUR ROYAL HIGHNESSES,

We, the undersigned, on behalf of the British Indians residing in this Colony, humbly beg to welcome Your Royal Highnesses to these shores. Among the countries visited by you during the

[1] & [2] This was engraved on a silver shield, along with pictures of the Taj Mahal, the Karla Caves of Bombay, the Buddha Gaya temple and of indentured Indians working in Natal sugar estates. It was presented to the addressees on their visit to Natal on August 13.

present tour, Natal is one that has a large number of British Indians, and, seeing that India is not included among the countries to have the honour of the royal visit, it becomes a double duty incumbent on us to render homage to Your Royal Highnesses.

It shows the great regard His Majesty the King and Emperor has for his people that, amid the overwhelming grief which, in common with the royal family, has shrouded myriads of his subjects in the departure from our midst of our late beloved Kaiser-i-Hind, he has commanded Your Royal Highnesses to visit not only Australia, but also other parts of the great Empire, a visit which, we respectfully venture to say, has drawn tighter the silken cord that binds together the different parts of the British Raj.

We fully realize the blessing of the munificent British rule. It is because we are in the folds of the all-embracing Union Jack that we have a footing outside India.

We humbly request you to assure His Majesty the King and Emperor, our Maharaja, of our loyal attachment to the throne, and we wish Your Royal Highnesses a pleasant time in this garden of South Africa and pray to the Almighty that He might guide you safely home on the termination of your tour, and may shower His choicest blessings upon you.

We remain,
Your Royal Highnesses'
Humble and loyal servants,
ABDUL KADIR, M. C. CAMROODEEN & CO.,
AND 60 OTHERS

The Natal Advertiser, 17-8-1901

155. LETTER TO CALDER, STUART AND CALDER

14 MERCURY LANE,
DURBAN, NATAL,
August 19, 1901

P. O. Box 182
M. K. GANDHI, ADVOCATE
AGENT FOR LONDON VEGETARIAN SOCIETY
[TO]
MESSRS CALDER, STUART AND CALDER, DURBAN

DEAR SIRS,

CASSIM A. MANSOOR & ADAMJI

The defendant has shown your summons to me herein. There was a private settlement between the defendant and his creditors

through me in 1898, and ever since then the sum of 13/4 has been lying at my office to the credit of your client. I recollect his having declined to receive it; but perhaps you would not mind taking it on his behalf. For the balance you may take what steps you may think fit. I believe the defendant has not the means at present.

I enclose cheque for 13/4.

Yours faithfully,
M. K. Gandhi

From a photostat of the original : G.N. 1017

156. LETTER TO "THE NATAL MERCURY"

Mercury Lane,
Durban,
August 21, 1901

TO
The Editor
"The Natal Mercury"

SIR,

I enclose copy, as supplied to me, of the resolutions and covering letter addressed to me as Chairman of "the Protest Meeting of English-speaking and other Indians", by the convener. Chairman though I was of the meeting, I am not at all in sympathy with the resolutions, as they contain many material errors of statement, and are misleading. But realizing that ventilation in the Press of grievances, fancied or real, is the best safety-valve, I forward them, to be used as you may think fit

I am, etc.,
M. K. Gandhi

[Resolutions]

At a protest meeting of the English-speaking and other Indians which was held in the Congress Hall on the 2nd instant, Mr. J. L. Roberts, the convener, proposed, and Mr. D. C. Andrews seconded, the following resolutions, which were carried unanimously. Mr. M. K. Gandhi occupied the chair.

1. That this meeting strongly disapproves of the manner in which the Indian representatives were chosen for the presentation of the address to their Royal Highnesses the Duke and Duchess of Cornwall and York, inasmuch as only the Mohammedans were apprised of the meeting, thus depriving the other Indians from participating in it.

2. That this meeting strongly disapproves of the fact that the majority of representatives elected to attend the presentation of addresses to their Royal Highnesses are Mohammedans and that the other Indians in the Colony, being greater in number than th[e Mo]hammedans, should have had at least an equal number of representatives a[s t]he Mohammedans.

3. That out of the eight further [re]presentatives who were chosen to receive invitations (if the Reception Committee grant it), six are Mohammedans; thus, again, the other Indians do not receive a fair share in the representation.

4. That this meeting strongly disapproves of the practice of the Mohammedans, who, after choosing men to represent themselves, should invariably choose one Mr. H. L. Paul to represent the English-speaking and other Indians, thus acting in direct opposition to the wishes of the Indians in question.

5. That copies of the foregoing resolutions should be sent to the secretary of the Duke and Duchess of York, the Indian Reception Committee, the Mayor of Durban, and the Press of Natal.

The Natal Mercury, 23-8-1901

157. TRIAL OF ABARRAH[1]

[LADYSMITH,]
September 11, 1901

Mr. Gandhi asked to be allowed to appear at that late stage, as the case was important to the Indian community, and the Police seemed to be labouring under a delusion with regard to their status. They had, a few days ago, arrested a number of Natal-born Indians, who had from very shame forfeited their bail. An attempt had been made to bring defendant, an Indian, who came to Natal of his own will, under the section of the law, by terming him a "coolie". The section read "after 9 P.M.," "failing to produce a pass from the employer". How could he do this, when he was his own employer? He quoted *Mrs. Vinden* v. *Corporation of Ladysmith*, in which the Supreme Court laid down that the term could be translated "indentured Indian".

His Worship said that, in view of the case quoted, he did not feel called upon to say anything further. He could not lay down a hard and fast rule, for such cases had to be treated on their merits. The law was difficult. Though accused was plainly a coloured person, the law did not call him that, so he was discharged.

The Natal Mercury, 12-9-1901

[1] Abarrah, a barber, was charged under the Pass Law. On the day the case came up for decision before the magistrate of Ladysmith, Gandhiji appeared for the accused.

III-16

158. LETTER TO TOWN CLERK, DURBAN

14 MERCURY LANE,
[DURBAN,]
September 17, 1901

TO
WILLIAM COOLEY, ESQ.
TOWN CLERK
DURBAN

DEAR SIR,

I have to thank you for your letter of the 12th instant conveying thanks to the Indian Vigilance Committee for what it was able to do in connection with the measures adopted for the prevention of the plague.

I am to say that the Committee did what was merely its duty and, should an occasion arise again, the co-operation of the Indian community, in any measure that may be undertaken by the Town Council in the interests of the health of the Borough, will be as readily forthcoming as before.

I remain,
Yours faithfully,

From a photostat of the office copy : S.N. 3910

159. CORRECTION NOTE TO BALANCE-SHEET[1]

September, 1901

NOTE

The difference between the total of the ledger accounts and the amount[2] shown in the balance-sheet, which is the correct amount, is due to some mistake in posting entries from the cash book — a task which I had no time to undertake though the book has been checked twice. The mistake is likely to have occurred

[1] Gandhiji noticed some discrepancies in the balance-sheet of the Natal Indian Congress up to August 31, 1901, and recorded this correction and addition to the balance-sheet in his own hand.

[2] The subscriptions and donations totalled £3404.

owing to many names[1] having been struck out owing to their not having paid the subscriptions for which they obtained receipts. An examination of the cash book would have shown this at once.

M. K. GANDHI

(In balance-sheet add)

To subscriptions and donations—including £182 Loan—received up to 31st August 1901 as per list, subject to difference explained at the foot thereof.

From a photostat of the original : Vol. 966, p. 271. Courtesy : Gandhi Smarak Sangrahalaya, Ahmedabad

160. *STATEMENT FOR COUNSEL'S OPINION*

DURBAN,
October 2, 1901

Act 18 of 1897 regulates and controls the issue of licences to wholesale and retail dealers.

Sec. 1 of said Act includes in the licences mentioned in sub-section (a) sec. 71 of Law No. 19, 1872, licences to wholesale dealers, so as, it is contended, to give the control over licences to wholesale dealers to the Corporations.

The expression, retail dealers, is specially made by sec. 3 of the said Act to include hawkers, and therefore, by inference, it is contended, to exclude all others.

Is a baker or a butcher, in the opinion of Counsel, a retail or wholesale dealer within the meaning of the Act, and is his licence governed by the Act?

Counsel's attention is drawn to the fact that there is a separate tariff for a baker's and a butcher's licence from the tariff for a retail shopkeeper's (dealer's) licence under Law No. 19 of 1872, that a baker's licence does not, at any rate in the popular belief, cover transactions not incidental to a bakery, and that, similarly, a retail dealer's license does not cover a baker's business.

M. K. GANDHI

From a photostat of the original : S.N. 3915

[1] The list contained names of 723 subscribers.

161. *LETTER TO COLONIAL SECRETARY, NATAL*

14 MERCURY LANE,
DURBAN,
October 8, 1901

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I had the honour to write[1] to the Government in the month of November last regarding the transfer to Mr. Jan Mahomed of Port Shepstone of a property in Port Shepstone.

The Government were pleased to decide that, if the conditions of the contract have been carried out, the transfer may be passed in the ordinary course. All the instalments having been paid, I applied through my agent at P. M. Burg for the final deed of transfer and he wrote to me on the 21st August saying the Government declined to issue the title applied for, inasmuch as "the Building Clause set forth in the Certificate of Sale and Purchase has not been complied with".

I have been corresponding with my client and I find it is true that he has built wood-and-iron buildings without the previous written permission of the Magistrate, but I understand such buildings have been erected all over the place. The Magistrate has, moreover, given his certificate as to the value of the building, which was produced before the Surveyor-General.

I am further informed that the titles have been granted to others similarly situated, that my client, before he put up the wood-and-iron building, applied for permission to make bricks; that on the permission being refused he put up the wood-and-iron building; that the building in question is occupied by very respectable tenants, viz., the Standard Bank, and that my client is erecting brick or stone buildings also on the land.

Under the circumstances, I request a reconsideration of my

[1] *Vide* p. 203.

client's application for registration of his title, and venture to trust that the Governor will be pleased to grant it.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 8658/1900

162. *SPEECH AT FAREWELL MEETING*[1]

[DURBAN,]
October 15, 1901

Mr. Gandhi returned thanks from the bottom of his heart for the splendid and costly address[2]. He thanked the donors of the many presents, and also those who had spoken so flatteringly of him. He had not been able to find a satisfactory answer to the question of how he came to deserve all this. Seven or eight years ago,[3] they embarked on a certain principle, and he accepted the gifts as an earnest that they would continue on the lines on which they then embarked. The Natal Indian Congress had worked to bring about a better understanding between European and Indian Colonists. They had progressed in that, if only a little way. During the recent election speeches they heard much against the Indians. What was wanted in South Africa was not a white man's country; not a white brotherhood, but an Imperial brotherhood. Everyone who was the friend of the Empire should aim at that. England would never part with her possessions in the East, and, as Lord Curzon had said, India was the brightest jewel in the British Empire. They wished to show that they were an acceptable section of the community, and, if they continued as they started, they "would know each other better when the mists have rolled away". Mr. Gandhi then addressed the Indians in their native language, and the meeting terminated with cheers for their distinguished countryman.

The Natal Advertiser, 16-10-1901

[1] On the eve of his departure for India, Gandhiji was presented with addresses on behalf of the Natal Indian Congress and other Indian organizations. The large gathering in the Congress Hall, Durban, included several leading Europeans.

[2] *Vide* Appendix III (a) and (b).

[3] The reference is to the founding of the Natal Indian Congress in 1894.

163. TELEGRAM TO COLONIAL SECRETARY, NATAL

[DURBAN,
October 18, 1901]

TO
THE COLONIAL SECRETARY
PIETERMARITZBURG

INDIAN COMMUNITY DURBAN WISH PRESENT RESPECTFUL ADDRESS LORD MILNER. WILL HIS LORDSHIP ACCEPT SAME.

GANDHI

Pietermaritzburg Archives: C.S.O. 9038/1901

164. LETTER TO PARSEE RUSTOMJEE

DURBAN,
October 18, 1901

DEAR MR. RUSTOMJEE,

I have been thinking what written reply to give to the handsome and costly address presented to me by my fellow-countrymen. After deep consideration, I have come to the conclusion that, consistently with professions made by me from time to time, I must not be satisfied with merely saying that what I value is the affection that has prompted the gifts, not the gifts as such. I have, therefore, decided to hand over the jewellery, as per accompanying schedule, to the African Banking Corporation with instructions to deliver the articles to the Natal Indian Congress against a receipt signed by the President and Honorary Secretary or Secretaries for the time being.

I make them over to the Congress on the following conditions:

(1) The jewellery or its value should form an emergency fund to be utilized only when the Congress has no other funds to fall back upon without the two landed properties.

(2) I should have the right to withdraw any or such of the jewellery that may then not have been utilized for devoting same to any beneficial object, whether within or outside the scope of the Congress.

When the necessity for utilizing the jewellery arises, and if it is possible, I would feel it an honour to be consulted by the Congress as to whether the object for which it is sought to utilize same is, in my opinion, an emergency within the scope of this letter. But the Congress is free at any time to withdraw the jewellery without reference to me.

I have taken the above step deliberately and prayerfully. I feel that neither I nor my family can make any personal use of the costly presents. They are too sacred to be sold by *me* or *my heirs*, and, seeing that there can be no guarantee against the last contingency, in my opinion, the only way I can return the love of our people is to dedicate them all to a sacred object. And since they are in reality a tribute to the Congress principles, to the Congress I return them.

Lastly, I repeat the hope that our people would translate into acts their good intentions (for the institution) of which the recent presentations were an earnest.

That the Congress may continue to serve the Empire and the community and that my successors may receive the same support that was extended to me is my fervent prayer.

I remain,
Yours truly,

[List of Articles]
Gold Medal presented in 1896.
Gold coin presented in 1896 by the Tamil Indians.
Gold chain presented by the Johannesburg Committee in 1899.
Gold chain, sovereign purse and seven gold coins presented by Mr. Parsee Rustomjee.
Gold watch presented by Mr. Joosub of Messrs Dada Abdoola & Co.
Diamond ring presented by the community.
Gold necklace presented by the Gujarati Hindoos.
Diamond pin presented by Mr. Abdul Cadir and a silver cup and plate presented by the Kathiawar Hindoos, Stanger.

PARSEE RUSTOMJEE, ESQ.
HONORARY SECRETARY
ADDRESS COMMITTEE
DURBAN

From a photostat of the office copy : S.N. 3922-3

165. LETTER TO COLONIAL SECRETARY, NATAL

14 MERCURY LANE,
DURBAN,
October 18, 1901

TO
THE HONOURABLE THE COLONIAL SECRETARY
PIETERMARITZBURG

SIR,

I had the honour on behalf of the representative Indians to telegraph[1] this evening as follows :

> Indian community Durban wish present respectful address to Lord Milner. Will His Lordship accept same?

In anticipation of His Excellency's consent, I am authorized to submit for His Excellency's approval copy of the proposed humble address[2].

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pietermaritzburg Archives : C.S.O. 9038/1901

166. ADDRESS TO LORD MILNER

DURBAN,
October 18, 1901

MAY IT PLEASE YOUR EXCELLENCY,

We the undersigned, on behalf of the British Indian settlers in this Colony, as well as the British Indian refugees from the Transvaal, beg respectfully to welcome Your Excellency to this Borough, and to tender our hearty congratulations upon the great honour conferred on Your Excellency by His Most Gracious Majesty the King-Emperor.

[1] *Vide* p. 246.
[2] *Vide* the following item.

We fervently pray to the Almighty that He may bestow on Your Excellency health and long life to enable you to continue and to bring to a successful issue the Imperial work Your Excellency has undertaken of uniting under the British flag the different races in South Africa.

May we draw Your Excellency's attention to the question of the position of the British Indians in the new Colonies which awaits solution at Your Excellency's hand, and trust that in coming to a conclusion thereon, Your Excellency would bear in mind the traditions of the country of our birth, our unswerving and proved loyalty to the Throne, and our acknowledged law-abiding instincts? Knowing Your Excellency's wide sympathies, generous disposition and intimate knowledge of the different parts of His Majesty's vast dominions, we feel confident that the cause of the Indian settlers in the new Colonies cannot possibly be in better hands.

We would respectfully request Your Excellency, on behalf of hundreds of British Indian Refugees, if it is possible, to expedite their return, especially in view of the fact that they have not availed themselves of the general Relief Fund.

In conclusion, we request Your Excellency to convey to His Gracious Majesty the King-Emperor an expression of our loyal and reverent attachment to the Throne.

We beg to subscribe ourselves,
Your Excellency's
Most humble and obedient servants

Pietermaritzburg Archives : C.S.O. 9038/1901

167. SPEECH IN MAURITIUS[1]

November 13, 1901

Mr. Gandhi thanked the guests at the gathering and especially the host. He said that the sugar industry of the island owed its unprecedented prosperity mainly to Indian immigrants. He stressed that Indians should regard it their duty to acquaint themselves with happenings in their motherland, and should take interest in politics. He also laid much emphasis on the urgent need to pay attention to the education of their children.

The Standard, 15-11-1901, and *Le Radical*, 15-11-1901

[1] On his way to India, Gandhiji stopped at Port Louis, Mauritius, where the Indian community gave him a reception.

168. LETTER TO "THE TIMES OF INDIA"[1]

BOMBAY,
December 19, 1901

TO
THE EDITOR
"THE TIMES OE INDIA"
BOMBAY

SIR,

The Indians in South Africa are eagerly waiting to see in what direction the Indian public are going to help them in the struggle which they are carrying on for existence in that subcontinent against awful odds. The East India Association has, as you are aware, sent up a strongly-worded memorial to Lord George Hamilton. Sir Mancherjee Bhownaggree has been rendering a most useful service to the cause of the sufferers. In season and out of season, within the House of Commons and without, by pen and voice, he has been asking for, not without success, a redress of our grievances. You, Sir, have uniformly assisted us, and so the whole of the public, both Indian and Anglo-Indian. The Congress[2] has been passing resolutions year after year sympathizing with us. But, in my humble opinion, something more is required. I have been asked by the leading Indians in South Africa to suggest a representative deputation to the Viceroy, similar to the one that some years ago waited on Mr. Chamberlain, and which was promoted by the late Sir W. W. Hunter. It is evidently necessary to strengthen the hands of the Viceroy as well as the workers in England. The authorities here and in Downing Street are not—cannot be—unsympathetic.

The Europeans in South Africa are doing all they can to bring pressure to bear upon the Colonial Office. They want absolute power to legislate as they will against the British Indians. A deputation, therefore, backed if possible by public meetings, cannot fail to have its effect. Let there be no mistake as to the

[1] This was the first public statement on the question of Indians in South Africa which Gandhiji made on reaching India.

[2] The Indian National Congress

real situation. Mr. Chamberlain has, let us hope, once for all laid it down that he would not allow an affront to be placed upon millions of His Majesty's subjects in the shape of special disabilities on the Indians. Natal has, therefore, sought to carry out its object by indirect methods, e.g., Immigration Restriction and Dealers' Licenses Acts,[1] in theory applicable to all, but in practice mostly enforced against the emigrants from India.

In the Cape Colony, the legislators propose to impose restrictions similar to those in Natal.

In the Transvaal and the Orange River Colonies, very drastic anti-Indian laws are in force. In the former, the Indian cannot hold land, must live and trade in Locations only, cannot walk on footpaths, etc. The latter he cannot even enter, except under special permission, and then only as a domestic servant or labourer. Unlike the two old Colonies, which enjoy complete self-government, the newly annexed territories are under the direct control of the Colonial Office; and it is there the question is most pressing. Mr. Chamberlain, in answer to a question put by Sir Mancherjee, has given an answer which, though worded in a friendly spirit, is far from satisfactory. He evidently does not wish at once to put the pen through the laws inherited from the late Republics. Lord Milner has been charged with the task of considering what alterations should be made in those laws. This, therefore, is the time for India to assert her position as an integral part of the British Empire, and to claim for her sons in South Africa the full rights of a British citizen. The question is admittedly of Imperial importance. Are the British Indians, in the words of the late Sir W. W. Hunter, as soon as they leave India, to enjoy the full status of British subjects or not? The answer to that question would, to a very great extent, depend upon the action of the public in India. Even the Colonies would not care to disregard, especially at a time when the Imperial wave is passing throughout the length and breadth of the British Empire, a unanimous, emphatic, temperate and continuous expression of the public opinion of India.

May I, then, on behalf of the Indian settlers in South Africa, appeal to you and your contemporaries to help us in the desired direction? I would venture also to ask your contemporaries, if possible, to copy this letter.

M. K. GANDHI

The Times of India, 20-12-1901

[1] *Vide* Vol. II, pp. 273-7.

169. SPEECH AT CONGRESS SESSION[1]

CALCUTTA,
December 27, 1901

MR. PRESIDENT, AND BROTHER DELEGATES,

The resolution that I have to commend to your attention is as follows:

That this Congress sympathizes with the British Indian settlers in South Africa in their struggle for existence and respectfully draws the attention of His Excellency the Viceroy to the anti-Indian legislation there, and trusts that while the question of the status of British Indians in the Transvaal and the Orange River Colonies is still under the consideration of the Right Hon'ble the Secretary of State for the Colonies, His Excellency will be graciously pleased to secure for the settlers a just and equitable adjustment thereof.

Gentlemen, I appear before you not as a delegate, but more as a petitioner on behalf of the hundred thousand British Indians in South Africa, and probably also of the future emigrants, who we wish would go outside of India and carry with them the status of British subjects. Gentlemen, South Africa, as you are aware, is almost as big as India and has a British Indian population of one hundred thousand, fifty thousand of whom are absorbed in the Colony of Natal, the only Colony in South Africa that imports indentured labour, and it is that labour that raises this great question so far as South Africa is concerned. Gentlemen, throughout South Africa, our grievances are twofold. The first class of grievances arises from the anti-Indian attitude of the European Colonists, and the second class of grievances arises from the reproduction of that anti-Indian feeling in anti-Indian Legislation throughout the four Colonies in South Africa. To give you an instance of the first class of grievances, I may tell you that all the Indians, no matter who they may be, are classed as coolies. If our worthy President[2] were to go to South Africa, I am afraid, he too will be classed as a coolie, as a member of the semi-civilized

[1] Gandhiji spoke at the 17th session of the Indian National Congress held in Calcutta, while moving a resolution on the status of Indians in South Africa.

[2] D. E. Wacha

races of Asia. Gentlemen, I will give you two illustrations to show how that term coolie has worked mischief throughout South Africa. A short time ago, last year, I believe, the son of the great Adamji Peerbhai of Bombay, himself a member of the Corporation, came to Natal. He had no friends there, he knew nobody. He applied for admission at several hotels. Some proprietors who had better manners told him they had no room, whereas other proprietors replied: "We do not accommodate coolies in our hotels." Gentlemen, the son of the late Mr. Cowasjee Dinshaw of Aden, Mr. Kaikobad, also came to Natal, and then he went to Cape Town. From Cape Town he was returning to Natal. He had to suffer great inconveniences before he could land. That was the time when there were plague restrictions in South Africa. He succeeded in securing a first-class passage to Natal, but what happened when he came to Natal? The Plague Officer simply said, "I cannot land you; you seem to be an Indian. I have got instructions not to land any coloured people at all." And will you believe me, a telegram had to be sent to the Colonial Secretary of Natal, before he was allowed to land. All this because he had a black skin.

Now, as to the second class of grievances, so far as Natal is concerned, I am afraid, it is a sealed book. The legislation has been already sanctioned. It prevents any Indian from entering Natal unless he or she can write out in one of the European languages the form attached to the Immigration Act. This Act prevents a very large body of Indians from emigrating to Natal. There is another law also in the Colony of Natal, namely, the "Dealers' Licenses Act". That Act gives Licensing Officers almost absolute power to refuse or issue trade licences. There is absolutely no appeal against these officers except to the executive body, Local Boards, and Corporations by whom the officers are appointed, in some cases with instructions that they are not to issue any Indian licences. In the Colony of the Cape of Good Hope, there is not much anti-Indian legislation. So far as the Transvaal and Orange River Colonies are concerned, unfortunately for us, the old legislation is still in force. In the Transvaal, Indians must live and trade in Locations, they cannot walk on the footpath, they cannot own landed property except in Locations. The Orange River Colony we can only enter as labourers. Now, with due deference to the uncrowned king of the Bombay Presidency[1], I believe that our position is so very

[1] Pherozeshah Mehta; *vide* Vol. I, p. 183.

bad in the Transvaal and the Orange River Colony, because proper steps were not taken to withstand an attack on our rights as British subjects, and had no steps been taken in Natal, the position would be infinitely worse there today than it is. Such is the position throughout South Africa.

What, then, is the remedy that the Congress can apply? Mr. Chamberlain has been so far very sympathetic with reference to the Transvaal. During the old regime, he sympathized with our grievances, but could do very little, because he was then helpless. Such is not the position now. He is all-powerful. He has promised to confer with Lord Milner as to how the old legislation should be changed. Now, therefore, is the time for us in South Africa, or never. After he has conferred, and after changes have taken a practical shape, nothing can be done. Friends in England in their advice to me say, "Move the Indian public; let them hold public meetings; if possible, send deputations to the Viceroy, and do everything that you can to strengthen our hands here. The authorities are sympathetic, and you are likely to get justice." That is one way in which you can show your sympathy, but we do not want mere lip sympathy, nor do we ask you to put your hands into your pockets. For the matter of that, our countrymen in South Africa have rendered very material help to the famine-stricken in India. You will be surprised to learn from me that the Colonial-born Indians actually shed tears when they saw the pictures we reproduced, for distribution, from *The Times of India*. The Indians gave £2,000 and, I must admit, the Europeans, too, at the time came forward with handsome contributions. To return, there are delegates who are editors of influential newspapers, there are delegates who are barristers, who are merchants, princes, etc. All these can render very practical aid. The editors can collect accurate information and overhaul in their papers the whole question of foreign emigration and ventilate our grievances systematically. Professional men can serve themselves and their countrymen by settling in South Africa. The Congress is, I believe, meant, among other things, to testify to our ability to stand side by side with the other civilized races of the world in foreign enterprises and self-government. Now, if we were to look for a moment at European emigration, we will find the speculator followed by the trader who, in his turn, is followed by the missionary, the doctor, the lawyer, the architect, the engineer, the agriculturist, etc. No wonder if, wherever they settle, they blossom into independent, prosperous, self-governing

communities. Our traders have gone in their thousands to different parts of the world, to South Africa, Zanzibar, Mauritius, Fiji, Singapore, etc. Are they followed by Indian missionaries, barristers, doctors, and other professional men? It is, unfortunately, the European missionaries who try to teach religion to the poor emigrants, European lawyers who give them legal advice; and European doctors, who cannot understand their language, try to give them medical advice. Is it, then, any wonder if the traders, groping in the darkness, not knowing what their rights are, not knowing where to go to for directing their boundless energy into proper channels, and surrounded by strange faces, are much misunderstood and are obliged to settle down to a life of humiliation and degradation? This evening our proceedings were opened with a song, the last verse of which exhorts us to undertake foreign enterprises with strictest honesty and love for our land as moral equipment, knowledge as our capital, and unity as the source of our national strength. Gentlemen, if some of the distinguished Indians I see before me tonight were to go to South Africa, inspired with that noble spirit, our grievances must be removed.

Seventeenth Indian National Congress

170. SPEECH AT PUBLIC MEETING, CALCUTTA[1]

January 19, 1902

Mr. Gandhi, after describing South Africa generally, explained the position of the British Indians in that sub-continent. He said that in Natal the Immigration Restriction Act, the law relating to licences and the state of education of Indian children were chiefly matters of concern. In the Transvaal, the Indians could not own landed property nor could they trade anywhere except in Locations. They could not even walk on the footpaths. The Orange River Colony the Indians could not even enter except as labourers, and then under special permission. He had to repeat many things concerning the treatment the Indians received in South Africa which had already appeared in the papers, but he observed that his mission before them was not to give the dark side of the situation, with which they were partially familiar, but the bright, the roseate side. He then narrated how, since the war, they had been able to enlist the sympathy of some of the Colonials, and the cause of the Indians, he thought, was a little progressing. He, however,

[1] Held in the Albert Hall

strongly deprecated the latest anti-Indian measure which sought to exclude every Indian from the Colonies, who could not read any of the European languages. The gentlemen present at the meeting, who all knew at least the English language, might not fully appreciate the gravity of the situation, but its effect would be disastrous upon a people the vast majority of whom were unlettered and those who knew only the vernaculars of India. The hatred of the Colonials against them was no doubt intense, but what Mr. Gandhi proposed was to conquer that hatred by love.

The speaker asked his audience not to treat the statement as merely a formality. The Indians in South Africa believed in this maxim and they tried to follow it. The war, which must have proved disastrous to others, came to them as a blessing, as it furnished the Indians with an opportunity to prove their mettle. Before the war broke out, the Colonials often used to taunt them by saying that, in times of danger, the Indians would scuttle off like so many rabbits, and such were the people who demanded privileges like them! But the war showed that the Indians did not scuttle off; they put their shoulders to the wheel and were prepared to take equal responsibility with others. When the war broke out, the Indians, irrespective of their opinion whether the war was right or wrong (for which the Sovereign, and the Sovereign alone, was responsible, they thought), agreed to give their services free to Government and with that view approached it with a petition, but their prayer was not granted. Subsequent to this, however, Colonel Gallwey, who apprehended to a certain extent what the affair at Colenso would be, wrote to a leading Indian[1] to organize an ambulance corps, and this was done with 36 Indians as leaders and 1,200 Indians as ambulance bearers. What sort of service they rendered to the country was known to them all, and this had even drawn forth the admiration of the violent Colonials who, for the first time then, saw the good trait in the Indian.

Mr. Gandhi added that, in one sense, the Indians themselves were to blame for the feeling of hatred raised in the Colonials against them. If the Indian settlers had been followed by better-class Indians who could be the peers of the Colonials in every phase of life, so much bad blood would not have been created. However, the feeling had now been improving. It had improved so much that it enabled some of the Indians to start a national Famine Fund to help India in her last famine and to raise a sum of £5,000, of which £3,300 were paid by the Colonials.

The speaker concluded his remarks by saying that, at that meeting, he was merely concerned with bringing out the best points of the two communities. There were harshnesses also, but it was better to contemplate the former. The Indian Ambulance Corps was raised in the same spirit. If they claimed the rights of British subjects, they must recognize the responsibilities

[1] This was Gandhiji himself. *Vide* "Telegram to Col. Gallwey", p. 158.

also of that position. The work of the Corps in which the Indian labourers worked without pay was specially mentioned in General Buller's dispatches.

The Englishman, 20-1-1902, and *Amrita Bazar Patrika*, 21-1-1902

171. LETTER TO CHHAGANLAL GANDHI

INDIA CLUB,[1]
[CALCUTTA]
January 23, 1902

DEAR CHHAGANLAL[2],

Your letter to hand. I was glad to read it. You should keep on writing in English only. Pay Mehtaji[3] his salary. Take the money from your aunt.

When you relate stories to Gokaldas[4] and Harilal[5], you had better read out to them stories from *Kavyadohan*[6]. All the volumes are to be found among my books. You should read out and explain to them preferably the stories about Sudama, Nala and Angada. Narrate the story of Harishchandra or read it out from the book. It is not necessary at present to read out to them plays by English poets. They won't be much interested in them. Moreover, there isn't so much moral to be drawn from the works of the English poets as from our old story-poems.

Take care to see that the children behave well in the class-room. Let me know to whom else you go to teach. What do you receive for it?

Also write to me how Manilal[7] is faring. See that no bad habits of any kind are picked up by the boys. Mould them in such a way that they always have deep love for truth.

You will see that, besides attending to studies, they also take adequate exercise.

[1] Gandhiji stayed at the Club on arrival in Calcutta and later went to reside with Gokhale.

[2] Gandhiji's nephew who later joined him in South Africa

[3] Gandhiji's clerk

[4] Son of Gandhiji's sister

[5] Eldest son of Gandhiji

[6] A collection of story-poems in Gujarati based on the *Mahabharata*, the *Bhagavata* and other works

[7] Second son of Gandhiji

III-17

Respects to Khushalbhai[1] and Devbhabhi[2].

Blessings from
MOHANDAS

From the original in Gujarati : C.W. 2937. Courtesy : Chhaganlal Gandhi

172. LETTER TO D. B. SHUKLA

[CALCUTTA,]
January 25, 1902

MY DEAR SHUKLA,

I am leaving for Rangoon on Tuesday next.

I have been successful in a way. I approached the President of the Bengal Chamber of Commerce, who interested himself in the matter[3] and requested an interview with the Viceroy who, instead of receiving a deputation, has given a most sympathetic reply.[4] The President has also promised to forward a memorial whenever necessary.

I have also been on the stump.[5] The leaders have certainly begun to interest themselves in the question.

Many thanks for going to my house. Please continue to do so now and then. All the boys it seems have been getting fever by turns.

Yours sincerely,
M. K. GANDHI

From a photostat of the original : G.N. 2328

[1] & [2] Gandhiji's cousin and his wife

[3] The question of the British Indians in South Africa

[4] It was to the effect that the views of the Viceroy and the Government of India had been more than once pressed upon the Home Government and that the proper channel of approach was the Secretary of State for the Colonies, whose sympathies were assured and with whom the ultimate decision lay (S.N. 3931).

[5] He had addressed a public meeting on January 19.

173. LETTER TO "THE TIMES"[1]

CALCUTTA,
January 27, 1902

The legislation of the late South African Republics prevented British Indians from owning land or trading except in certain locations situated far away from towns, from walking on the footpaths, or from travelling first or second class on the railways. It also required the Indians to take out a registration ticket for £3, etc. That of the late Orange Free State in effect prevented the Indians even from entering it except as servants. The anti-Indian laws of the late Republics are being still enforced in most cases with strict British regularity. It was only after the country came into British possession that an Indian trader was fined £10 for walking on a footpath in Pretoria.[2]

The East Indian Association has already approached His Majesty's Government. The contribution of the Indians to the present war, i.e., the Natal Indian Volunteer Ambulance Corps, whose mention in General Buller's despatches, and other loyal acts of the community may not be overlooked in considering the question, though I must admit that any such little act done by it was nothing but a part of its duty.

May the British Indians, or may they not, when they leave India, carry with them their status as British subjects.

The Times, 24-2-1902

[1] *The Times* published only extracts from the letter and observed that Gandhiji's intention was "to urge the claims of British Indians in the new South African Colonies to more favourable treatment than that received from the Republics".

[2] *The Times* here comments that Gandhiji referred "to some of Mr. Chamberlain's utterances on the subject".

174. *SPEECH AT PUBLIC MEETING, CALCUTTA*[1]

January 27, 1902

MR. CHAIRMAN AND GENTLEMEN,

Last Sunday week I had the honour to address you on my experiences in South Africa. In the course of my remarks, you will recollect, I said that the policy that was followed by our countrymen in South Africa in connection with their legal disabilities could be summed up in two maxims which guided it, viz., to stick to the truth at all costs and conquer hate by love. This was the ideal to be realized. I then implored you, as I implore you now, to believe that these are no catch phrases, but that we have all through these years tried to live up to the ideal. The local Indian contribution to the present war is, perhaps, the very best illustration of that line of action.

When in the October of 1899, the Boers issued their ultimatum, the British Government, as you are aware, was unready. According to their pre-arranged plan, the Boers crossed the Natal border immediately on the receipt of the reply from the British Government. Sir W. Penn Symons, at the cost of his life, gave the enemy's forces a temporary check at Talana Hill, and Sir George White allowed himself and his 10,000 brave men to be surrounded in Ladysmith. These events were as unexpected as they were surprising, and followed in such quick succession that the people had hardly any time to turn in and ponder over them. Mafeking and Kimberley were besieged at the same time. Half of Natal was in Boer hands. And often did we hear that the Boers were going to take Maritzburg and capture Durban. But strange as it may appear, Sir George White and his army saved Natal by allowing themselves to be besieged, thus occupying the Boer General and the flower of his army. This was the contribution of British India to the Colony.

The calmness and fortitude with which the people of Natal contemplated these events reflect the highest credit and show the secret of British power. There was no stir. Business went on

[1] Held in the Albert Hall

as if nothing had happened. The Natal Government never flinched. Although the Treasury was nearly empty, the servants were regularly paid. The common courtesies of ordinary English life were performed. And but for the presence of so many khaki-clad gentlemen and the unusual bustle at the harbour, you would not have noticed that there was any imminent danger of even Durban being taken.

Volunteers were called out and Durban was emptied of its best sons within twenty-four hours of the call. What was to be the attitude of the 50,000 Indians in the Colony in such a crisis? The answer came in emphatic earnestness. We claimed the privileges of British subjects. Now was the time to discharge the responsibilities of that status; the local differences were to be sunk if the policy referred to at the outset was to be carried out; we had nothing to do with the question whether the war was right or wrong. That was the function of the Sovereign. Thus argued your countrymen at a great meeting convened for the purpose. Here was the opportunity to answer the oft-repeated charge in the Colony, that, if there was a war, the Indians would scuttle away like rabbits. It was resolved at that meeting to offer the services of those assembled there, free of charge, to do any work at the front for which they might be found fit. The Government, while thanking the volunteers, replied that their services were not required. In the meanwhile, there returned from England a gentleman who had devoted 20 years of his life to Indian work as a medical missionary belonging to the Church of England. His name is Canon Booth, now Dean of St. John. He was pleased to find that the Indians were ready to serve the Empire during the war. He offered to train them as ambulance leaders. And for several weeks they had lessons in first-aid to the wounded from Dr. Booth. In the meanwhile, Colonel Gallwey, the principal medical officer attached to General Buller's Army, in anticipation of a bloody fight at Colenso, issued instructions for raising a European Ambulance Corps. We thereupon telegraphed to the Government informing them as to how we were qualifying ourselves. An intimation was received from the Government that we were to help the Protector of Indian Immigrants in forming a volunteer Indian Ambulance Corps. Within four or five days, about 1,000 Indians were collected, a majority from the various estates. These were, of course, in no way bound to offer their services, nor was the slightest pressure imposed on them. It was entirely a free-will offering on their part. They, in common with the European

volunteers, received one pound per week and rations while on duty. You will understand the force of these remarks when I tell you that some of the stretcher-bearers were traders earning far more than £4 per month. As an officer remarked, however, this war was a war of surprises in many respects. Among the Europeans, too, there were professional men of the highest standing, serving as stretcher-bearers. It was rightly considered a privilege to be able to succour the wounded.

But the leaders who had undergone the training accepted no remuneration. The good Dr. Booth, too, came with us as a leader, without pay. Colonel Gallwey afterwards installed him as medical officer for the Corps. The leaders included two Indian barristers,[1] a gentleman connected with a well-known London firm of agents, shop-keepers and clerks.

The Corps thus constituted served just after the action at Colenso. Thirsty, hungry and fatigued, we reached the Chieveley camp at dusk. The action had just ended after a sanguinary struggle against an unseen enemy. Colonel Gallwey came up and asked the Superintendent of the Corps whether we would be able to carry the wounded to the stationary hospital there and then. The Superintendent turned towards the leaders who at once said they were quite ready. By 12 o'clock midnight, about thirty wounded officers and soldiers were removed. The work was done with such despatch that there were none left ready to be carried. It was at 12 o'clock midnight that the bulk of the men broke their fast—men (some of them) who had never been used, to put it in expressive though not quite elegant English, to roughing it.

The distance to be covered was about five miles. The European ambulance party attached to the army brought the wounded from the battlefield to the field hospital where the wounds were dressed. We carried them to the stationary hospital—each stretcher having six bearers and three bearer parties having a leader whose duty it was to direct the bearers, and to attend to and feed the wounded.

Early next morning, before breakfast, orders were received to resume work which continued up to 11 a.m. Hardly, however, had the work of removing the wounded finished, when orders were received to break up camp and march. Colonel Gallwey then personally thanked the Corps for the work done and disbanded it—saying that he relied upon a similar response when

[1] Gandhiji and Khan, a co-worker

he needed it. During the interval, General Buller was taking his men across the Tugela to force his way to Ladysmith through Spion Kop. After ten days' recess, the P. M. O. sent orders to re-form the Corps, and within three days over 1,000 men were collected.

Spion Kop is about 28 miles from Frere, which was the railway base, and the station where the wounded had to be brought before they could be taken by rail to the general hospitals. Spion Kop—the hill of Spion—overhangs a bush where tents were pitched to form a field hospital, from which the wounded, after being dressed, had to be removed to Spearman's Camp—a distance of about three miles. A narrow stream lay between the field hospital and Spearman's Farm. Across this was erected a temporary pontoon bridge which was within the range of the Boer guns. The route between Spearman's Camp and Frere was rather rugged and hilly.

Neither the European Corps nor the Indian were to work within the range of fire. But the European Corps, both at Colenso and Spion Kop, had to work under fire, and the Indian Corps, only at Spion Kop and Vaalkranz. Major Bapty, Secretary to Colonel Gallwey, who has covered himself with glory by facing great perils, and who has received the V.C., thus addressed us:

> Gentlemen, you have been engaged to work without the range of fire. There are many wounded men to be removed from the field hospital. There is just a chance, though very remote, that the Boers may drop a shell or two on the pontoon. If you are prepared to cross the bridge in spite of the little risk—and you are at liberty to say no—I shall be glad to lead you.

These words were spoken with such earnestness and so kindly and gently that I have endeavoured to reproduce them, as far as possible, as they were uttered. The leaders and men with one voice offered to follow the gallant Major. The unexpected reverse at Spion Kop kept us incessantly at work for three weeks, though the Corps was on duty for over nine weeks. Thrice or four times did it cover a distance of 25 miles per day with its precious load of wounded. And I may be permitted to say for the Corps, without any self-esteem, that the work was done so much beyond all expectations, that those who were competent to judge thought that the 25-mile marches, with the load, were record marches. Colonel Gallwey had given us the option to do the distance in two days.

The work of the Corps has been honourably mentioned in General Buller's dispatches.

Such briefly is the record of work of the Natal Volunteer Indian Ambulance Corps.

The Indian merchants, who could not leave their business to join the Corps, collected a fund for the support of the dependants of those volunteer leaders who needed it and also supplied uniforms for them.

A handsome donation was sent to the Durban Women's Patriotic League Fund for the volunteers who had gone to the front. Indian ladies contributed their quota by making pillow-slips, vests, etc.

We were also supplied by the merchants with cigarettes to be offered to the wounded. And all these funds were raised at a time when the Indian community of Natal was feeding at its own expense, without encroaching on the general refugees' relief fund, thousands of Indian refugees, both from the Transvaal and from the parts of Natal occupied by the enemy.

I would not be true to myself if I did not give you an idea of the impression that was created in the minds of many of us about the life of the British soldier when at work, and especially under temporary reverses. I ventured last Sunday week to give you a description of the Trappist monastery and the holy stillness that pervaded it. Strange though it may appear to some of us, the same impression was created in those vast camps. Although the energy put forth was the greatest—not a minute was passed idly by anybody in those stirring times—there was perfect order, perfect stillness. Tommy was then altogether lovable. He mixed with us and the men freely. He often shared with us his luxuries whenever there were any to be had. A never-to-be-forgotten scene happened at Chieveley. It was a sultry day. Water was very scarce. There was only one well. An officer was doling out tinfuls to the thirsty. Some of the bearers were returning after leaving their charge. The soldiers, who were helping themselves to the water, at once cheerfully shared their portion with our bearers. There was, shall I say, a spirit of brotherhood irrespective of colour or creed. The Red Cross badge or the khaki uniform was a sufficient passport whether the bearer had a white skin or brown.

As a Hindu, I do not believe in war, but if anything can even partially reconcile me to it, it was the rich experience we gained at the front. It was certainly not the thirst for blood that took thousands of men to the battlefield. If I may use a

most holy name without doing any violence to our feelings, like Arjun[1], they went to the battlefield, because it was their duty. And how many proud, rude, savage spirits has it not broken into gentle creatures of God?

I have been talking flatteringly of our countrymen's work in connection with the war. I would detain you for a moment to look at the other side. The real work, to my mind, has now commenced. Compared with the trials that the soldiers and soldier-volunteers have undergone and are still undergoing, our work was after all very little. It has been well spoken of, because it was never expected. Now that we have raised expectations, shall we in future come up to them? Therein, to my mind, lies the reason for humility instead of self-praise. While, therefore, it was perhaps my duty to bring prominently to your notice the little work of our countrymen, it is equally my duty to remind ourselves of the work that lies ahead of us. I may now, I think, perhaps pardonably, quote what the late Right Honourable Harry Escombe and others thought, almost too generously, of our work. Mr. Escombe, at our request, blessed us on our departure for the front and spoke as follows:

> I thank you for paying the marked personal compliment of asking me to address a few words of farewell before you leave for the front. You carry with you not only the good wishes of those present here, but of all the people in Natal and the Queen's great Empire. This incident is not the least interesting of the many episodes of this remarkable war. The meeting shows the willingness and the resolve of the Indian subjects in Natal to do what they can to promote the unity and the solidarity of the Empire, and they who claim rights in Natal, we recognize, are now performing their obligations to their country. They are going to occupy as honourable a position as those who are doing the fighting, because if there were none to look after the wounded, war would be much more horrible than it now is. . . . It cannot be forgotten that you Indians in Natal—who have been treated with more or less injustice—have sunk your grievances and claim to be part of the Empire and to share its responsibilities. You carry with you the hearty good wishes of those who know what is taking place today. The knowledge of what you are doing will help to bring closer the different classes of Her Majesty's subjects throughout the whole Empire.

The Natal Advertiser wrote thus:

> The Indian population of the Colony have to be congratulated on the admirable spirit they have shown. This is more commendable

[1] Third of the Pandava princes to whom Lord Krishna expounded the *Gita*

because of the attitude of the Colony towards Indian immigration, and the Indian population generally. The Indian community might easily have wrapped themselves up in a sullen reserve and said: 'We shall not help the enemy but neither shall we help you, as you have shown yourselves so antagonistic to us.' But they did not; they took occasion to assist where they could. They subscribed liberally to the various war funds; their ladies assisted in supplying comforts for the sick and wounded, and many of them have gone to the front to assist our troops in whatever capacity they can. This conduct should be appreciatively remembered in their favour. It is no small matter at a crisis of this character, that we should be able to rely upon the unswerving loyalty of our coloured population. And it should make us the more ready to endure small faults on which perhaps we are prone to expatiate largely in times of peace.

Such, gentlemen, is the testimony in favour of a community that is trying to live by Truth and Love.

The Englishman, 28-1-1902

175. LETTER TO G. K. GOKHALE

PER S. S. "GOA",
January 30, 1902

DEAR PROFESSOR GOKHALE,

We expect to reach Rangoon tomorrow. The weather has been very fine. How I wish you had been on board! Your cough would have left you in two days. I hope, however, that you are feeling better and that you have taken proper advice.

How shall I thank you for all your kindness during the time I was under your roof?[1] I cannot easily forget how anxious you were to wipe out the distance that should exist between you and me. I should be quite content to have the privilege of your confidence and guidance. More I do not deserve. It is my honest opinion—and I yield to no one in my honesty—that you have appraised my services to the country altogether too generously. You have unduly magnified little incidents of my life. Yet when I come to think of it, I feel that I had no right to question your taste on Monday evening. I was too presumptuous. Had I known that I would cause you thereby the pain

[1] Gandhiji had stayed with Gokhale for a month in Calcutta; *vide* Vol. XXXIX, pp. 186-93.

I did cause, I should certainly have never taken the liberty. I trust you will forgive me for the folly.[1]

Your great work in the cause of education has admirers even on board this little vessel.

I forgot to give the coachman a gratuity. Will you kindly ask Mr. Bhate to give him a rupee and the groom half a rupee?

Please remember me to Dr. P. C. Roy.[2]

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the office copy : G.N 3723

176. LETTER TO G. K. GOKHALE

7 MOGHUL STEEET,
RANGOON,
February 2, 1902

DEAR PROFESSOR GOKHALE,

As there was no post for Calcutta before Monday I postponed posting the letter written on board, which I enclose herewith.[3]

I was fortunate in just catching Professor Kathawate[4]. He left for Madras yesterday morning. The Professor did not like the Rangoon climate. It was too trying for him. He requires a bracing climate which the Rangoon climate does not appear to be.

From a sanitary standpoint this is a very good place. The streets are broad and well laid out. The drainage system too appears to be fairly good.

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : G.N. 3724

[1] Gokhale used a horse-carriage rather than travelling in a tram-car in Calcutta, for the latter would have been difficult in view of his wide popularity. Not knowing the reason, Gandhiji had commented on Gokhale's preference for the carriage. The latter had felt hurt at Gandhiji misunderstanding him. *Vide* Vol. XXXIX, p. 188.

[2] Dr. P. C. Ray (1861-1944), scientist and patriot

[3] *Vide* the preceding item.

[4] A friend of Gokhale whom Gandhiji had met in Calcutta

177. LETTER TO CHHAGANLAL GANDHI

7 MOGHUL STREET,
RANGOON,
February 8, 1902

CHI. CHHAGANLAL,

I have your letter. I don't think it will be proper for me to write to the Dewan Saheb of Porbander. I have no contact of any kind with him so that I could write to him. Wherever I go, I keep inquiring about opportunities in foreign countries for members of our family or for others. Rangoon seems to offer a good one at present. It will not be a bad idea if you think of coming here, though, ever since I saw you, my idea has been to keep you with me. But my affairs being quite unsettled, I don't think it will be right to pin on that hope either. All the same, I do feel that you should do nothing in a hurry before I arrive there. Meanwhile, I will keep trying here.

I got your letter only yesterday, and I have already spoken about you today. I have been trying to make my stay in Rangoon very short. If possible, I will leave as early as next week. If I can manage, I shall be back home very shortly.

If you possibly can, learn shorthand. It is very necessary to pick it up.

Blessings from
MOHANDAS

From the Gujarati original in Gandhiji's hand : C.W. 10872. Courtesy : Chhaganlal Gandhi

178. LETTER TO P. B. DESAI

[RAJKOT,
After *February 26, 1902*][1]

DEAR MR. PURSHOTTAM BHAICHAND DESAI,

It is a matter of deep regret that you have not been able to keep your promise, despite your assurances. I had told you

[1] This and the following item were presumably written from Rajkot where Gandhiji arrived on Wednesday, February 26; *vide* "Letter to G. K. Gokhale", p. 272.

how much I would depend upon the amount due from you and am writing again[1] to say that I need it badly and shall be obliged if you send it to me. Please send me in full the instalments for three months which are in arrears, and it will help me greatly if you let me have the remaining instalments regularly month by month.

The condition of the country is worse than I had thought. I need write no more. Let me know how you are faring in your business.

P. B. DESAI
TONGAAT
DURBAN, S.A.

From a photostat of the office copy in Gujarati : S.N. 3970

179. LETTER TO DEVKARAN MULJI

[RAJKOT,
After *February 26, 1902*]

DEAR MR. DEVKARAN MULJI,

Your letter dated 21st January was received here but has remained without reply as I was away in North India. I think it will be very difficult for you to go to Natal just at the present moment. Because of the war, only those who have Rs. 1,500 in cash can proceed there. It will be difficult for you to do so unless you have the money. This law is not likely to be repealed as long as the war lasts. However, if you are keen to go abroad, let me tell you that I recently came here *via* Rangoon. I can say from personal experience that you will be able to earn your livelihood there. That country is prosperous and interesting, and if one is healthy, is not ashamed of manual labour, is not lazy and maintains truthfulness, there should be no difficulty in earning one's bread there. One Indian has made very good arrangements for board and lodging in Rangoon; so you will experience no difficulty of any kind. You can get there *via* Madras or Calcutta. The cost of the journey will be from Rs. 30 to Rs. 40.

DEVKARAN MULJI
TANKARA [KATHIAWAR]

From a photostat of the office copy in Gujarati : S.N. 3938

[1] The earlier letter is not available.

180. LETTER TO PARSEE RUSTOMJEE

[RAJKOT,
March 1, 1902][1]

DEAR SETH PARSEE RUSTOMJEE JIVANJEE,

I am in receipt of your three letters, dated 31st December, 7th January and 10th February.

I have also received the cheque for £25 sent by you to be spent on feeding the famine-stricken people in Kathiawar or for any other charitable object I deem fit.

All your three letters reached me when I arrived here from North India three days ago. I also received a letter at Rangoon, but it is in my luggage, which has not yet been received from Calcutta. I do not remember that it contained anything special that called for a reply.

The famine in Kathiawar is very acute. But I have not yet obtained full information regarding the extent of relief being given to the famine-stricken. When I obtain it, I shall utilize the cheque sent by you. If I find that it is not needed immediately, I intend to spend the amount after June, for real scarcity will be experienced thereafter. If, unfortunately, we get no rains in June, there is a possibility that the conditions of 1897 might recur. Since it will be advisable to have as much money as possible for that contingency, I do not consider it meet to use this amount just now, except when absolutely essential. I shall write to you if there is any change in this decision. The cheque was deposited yesterday with a local banker at ½ per cent interest[2]. The money will be spent under my personal supervision. You need, therefore, have no anxiety in this matter.

I cannot understand why Mr. Khan and Mr. Nazar should not attend to your work properly. You should have patience and take whatever work can be taken from them. People cannot speak or act always in the same manner. I think it is not right to form an adverse opinion on that account. As long as a man

1. Gandhiji had reached Rajkot on Wednesday, February 26. This letter was written three days after.

2. Per month

carries out with care the work entrusted to him, it is not necessary to pay attention to his ways.

I have already sent to the secretaries a report of the work done here so far. As you must have seen it, I do not write about it again. The Governor there has declined to receive our address, saying that the Indians constitute a part of Natal's population. Please let me know in exactly what context he has said so. You must have seen the question asked about us in Parliament and Mr. Chamberlain's reply.

Let me know immediately what Lord Milner writes. The Bengal Chamber of Commerce is willing to take up our work. Hereafter, please forward also to Prof. Gokhale at Poona copies of whatever literature, newspapers, etc., you may have to send from there to other gentlemen. He is a member of the Imperial Council and he does a lot on our behalf.

I very much regret to note that the Congress work there has become slack. You should do as much as you can. One should content oneself with doing one's duty as one understands it, facing insults, obstacles, etc., courageously and behaving politely in every respect. What more can I write from this distance?

It is, indeed, a matter of profound regret that the idea of inviting Sir Mancherjee has been abandoned. It will, however, be to our advantage if we can still exert ourselves and invite him.

When I go to Bombay, I shall call at your house and inquire after your children. But I am not sure when I will go. Everything here is undecided. I intend settling down in Bombay if I can afford it. It is a little difficult to do public work from here. The future alone will decide it. Dr. Mehta strongly advises that I take complete rest at least for the next two or three months.

The children are here with me. They are for the present attending the local school. Gokaldas and Harilal are studying in standard IV of the secondary school. Manilal studies privately; he has not been admitted into any specific standard at school. I hope you have recovered completely by now. It is necessary to take proper care of your health there. It is essential that one should observe moderation and regularity in the matter of food. Please give my compliments to those who may enquire after me.

With regards,

From a photostat of the office copy in Gujarati : S.N. 3937

181. LETTER TO G. K. GOKHALE[1]

RAJKOT,
March 4, 1902

DEAR PROFESSOR GOKHALE,

Having passed five nights in the train, I reached here on Wednesday last, i.e., only a day later than I would have, had I not stopped at the intermediate stations.

It was with very great difficulty that I found a seat in one of the intermediate carriages and that after I offered to stand the whole night if necessary. As it was, it was merely a trick on the part of the friends of some of the passengers. The former had occupied all the spare room with a view to prevent any more passengers from getting in. They got out as soon [as] the guard blew the whistle for the train to go. There was absolutely no room in the 3rd class carriages. You cannot adopt gentlemen's time and travel 3rd. From Benares, however, I travelled 3rd only. In your words, it was only the first plunge that was difficult, the after-effect was all pleasure. The other passengers and I talked freely and at times became even chummy. Benares is probably the worst station for the poor passengers. Corruption is rampant. Unless you are prepared to bribe the police, it is very difficult to get your ticket. They approached me as they approached others several times and offered to buy our tickets if we would pay them a gratuity (or bribe?). Many availed themselves of the offer. Those of us who would not, had to wait nearly one hour after the window was opened, before we could get our tickets and we would be fortunate at that if we did so without being presented with a kick or two from the guardians of law. At Moghalsarai, on the other hand, the ticket master was a very nice man. He said he knew no distinction between a prince and a peasant.

In the carriages we were packed anyhow. There was no restriction as to numbers, though there were notices in the compartments. Night travelling under such circumstances does become rather inconvenient even for the poor 3rd class passengers.

[1] An earlier handwritten draft of this is also available in S.N. 3940.

There was plague inspection at three different places, but I cannot say it was carried on with any harshness. My experience is yet very little, but the picture that the imagination had drawn of the terrible lot of these passengers has become somewhat toned down. Five days can hardly afford sufficient data for drawing a fair conclusion. I feel all the richer and stronger in spirit for the experience which I would resume at the very first opportunity.

I alighted at Benares, Agra, Jeypore[1] and Palanpur. The Central Hindoo College is not a bad institution though it is difficult to speak with confidence on a hurried visit. "The dream in marble" is certainly worth a visit. Jeypore is a wonderful place. The Albert Museum is a far better building than the Calcutta one and the art section is by itself a study. The Jeypore school of arts appeared to be flourishing under its Bengalee Superintendent.

I now come to the most important part of my letter. To Palanpore I went to see merely the State Karbhary[2] who is a personal friend of mine. I casually mentioned to him that I might join you in collecting subscriptions for the Ranade[3] memorial fund in April next. The State Karbhary, Mr. Patwari, who is a sincere man, says that it will be a great mistake to start it in April next, especially if we want to do Gujarat. He thinks that we would lose at least Rs. 10,000 thereby. All the States are more or less groaning under the effects of famine and he is strongly of opinion that the collection should be undertaken in December or January next. I place his views before you for what they may be worth.

Plague is raging in several parts of Kattywar.

Please remember me to Professor Ray.[4]

Please excuse the dirty typing. The typewriter is quite different from the excellent one I had there. My things have not yet arrived from Calcutta.

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : C.W. 3722

[1] This is the old spelling for Jaipur.
[2] Executive Officer
[3] Mahadev Govind Ranade (1842-1901); distinguished leader, social reformer and author; one of the founders of the Indian National Congress
[4] What follows is in Gandhiji's hand.

182. *LETTER TO POLICE COMMISSIONER, BOMBAY*

RAJKOT, KATHIAWAR,
March 12, 1902

TO
THE POLICE COMMISSIONER
BOMBAY

SIR,

Will you be good enough to let me know on what conditions permits are issued to people desiring to go to South Africa?

I have the honour to remain,
Sir,
Your obedient servant,
M. K. GANDHI

From a photostat of the office copy : S.N. 3941

183. *NOTES ON THE PRESENT POSITION*

Confidential [RAJKOT,
Before *March 26, 1902*][1]

THE BRITISH INDIANS IN SOUTH AFRICA

Anything that appears hereunder only applies to the situation as it stood two months prior to the date hereof, seeing that letters from South Africa take a long time reaching here. It is necessary to bear this in mind because, evidently, the Indians in South Africa are still passing through a crisis as would appear from the following.

Too much stress cannot be laid on the necessity of distinguishing between the Indian question in Natal and in the two new Colonies. Cape Colony may, just for the present, be kept out of mind. The double question asked in the House of Commons about the new Colonies in Natal was, in my humble opinion, a tactical blunder. Mr. Chamberlain's reply that he does not, at present, propose to make representations to the Natal Government with

[1] *Vide* the following item.

reference to its anti-Indian legislation already in force has created, if anything, a bad feeling in the Colony and emboldened the Colonists in their anti-Indian attitude. The Pass legislation of Natal can, in the light of Mr. Chamberlain's well-known views, be only a subject of constant correspondence between him and the sympathizing friends.

As to Natal, then, the Immigration Restriction Act and the Dealers' Licenses Act are the chief measures which are prejudicial to the British Indians. The latter more especially, because it gives unlimited powers to the licensing officers for the issue of licence without recourse to the Supreme Court. The latest advice and development in effect enable them to curtail the right of the Indians. The Natal Civil Service Act gives powers to the Civil Service Board to pass bye-laws under it with reference to the examination of candidates, etc.; now the Constitution Act requires that all class legislation, before becoming law, must be sanctioned by His Majesty. Moreover, it is clear that no bye-laws could be enacted under an Act so as to change its fundamental principles. The Natal Government have escaped going to the Colonial Secretary for sanction for class legislation by simply publishing a bye-law which goes to the very root of the Natal Civil Service Act.

The bye-law in question prevents any person, among other things, who is disqualified from acquiring the Parliamentary franchise, from becoming a candidate for admission to the Civil Service. The disfranchising Act is well known and under it the Natal Government would say the British Indians are disqualified and, therefore, also disqualified to exercise the franchise to compete for the Natal Civil Service; of course, there are very few Indians who go in for that examination. Still the principle is there. And the method adopted to carry it out is most dangerous, and opens up a very wide latitude for the Colonists to further harass the Indian settlers. The matter might be brought to Mr. Chamberlain's notice by correspondence.

As to the Transvaal and the Orange River Colony, the situation is most critical in view of Mr. Chamberlain's reply. All the anti-Indian laws in both the Colonies are in full force; under them, in the Transvaal, the Indians cannot own land or trade except in Locations, and must, like the Kaffirs, hold travelling and other passes. The Orange River Colony they cannot even enter except as domestic servants. It is regarding these laws that, according to Mr. Chamberlain's answer, Lord Milner is to advise him, and His Excellency's attitude, there are grounds to

fear, is not quite so friendly as was at one time expected. He has proclaimed a Coloured Pass-law which is supposed to be an improvement on the old Transvaal Pass-law which it replaces; copy of the recent Proclamation is enclosed herewith.[1] It will be seen therefrom that the relief afforded by it can mostly be availed of only by the Kaffirs, though the term Coloured person therein, as of old, includes Indians also Under the old regime, the Pass-law was rarely in force against the Indians; what the position would be under the strict British authority can easily be surmised. If relief to be granted is to be of the above nature, it is evident that it would be no relief at all. In contravention of the 14th article of the London Convention, the Transvaal Government passed laws practically classifying Indians with the natives of the soil. It will be remembered that both the late Lord Loch and Sir Hercules Robinson protested against any such classification and, under the above article, claimed for the Indians the same rights as the other British subjects. (See South African Blue book—*Grievances of British Indians.*) Therefore, even if all the anti-Indian legislation in these two Colonies is not to be repealed, the least that could be done is to distinguish between the British Indians and the Zulus. Under the circumstances, all the available energy must, for the present, be devoted to the question in these two Colonies and, if full justice is done there, Natal would soon have to fall in with them.

In preparing these notes, in order to avoid needless repetition of facts, a previous knowledge of the memorials, etc., on the part of the sympathizing friends has been assumed.

From a photostat of the office copy : S.N. 3946

184. LETTER TO W. S. CAINE

RAJKOT,
March 26, 1902

TO
W. S. CAINE[2], ESQ.

DEAR SIR,

I have just received your letter of the 14th instant. At the request of the Editor, *India*, I have already prepared a brief

[1] This is not available.
[2] Member of the British Parliament

statement[1] of the position up to date of the British Indians in South Africa. I enclose a copy thereof. Though, I presume, the request made by the Editor was on your behalf, I feel that to force a debate on the whole question on the treatment of the British Indians in various Colonies is likely to do more harm than good, for the situation in the different Colonies is not the same. In Natal, for instance, the Immigration Restriction Act, the Dealers' Licenses Act and such other Acts, of which copies have been supplied from time to time to the British Committee, are already in force. The Natal model is being followed both in Australia and Canada. Under the circumstances, it would be very difficult if not impossible to obtain repeal in Natal or altogether to frustrate the attempt of Australia and Canada to copy Natal. The key to this is to be found in Mr. Chamberlain's address to the Conference of Premiers at the time of the Diamond Jubilee. I enclose a copy of an extract therefrom[2] for your perusal. He has met the Colonies half way, but the half way is probably more dangerous than the whole, for his sanction of indirect legislation has opened up possibilities for mischief which were never dreamt of, as you will see from my statement. Mr. Chamberlain's latest utterances are hardly reassuring. They will simply strengthen the Colonial Governments in their anti-Indian attitude. The remedy, therefore, so far as Natal is concerned, is for the Indian residents in that Colony to induce the Colonial Government to accord fair treatment, which is now more or less a matter of administration of the old laws, and where they may attempt to pass fresh restrictive measures, to appeal to the Home Government and for the friends to help them. Continued pressure from the Colonial Office and a sympathetic discussion of the Natal [question] in the Home newspapers are the chief influences that are calculated to soften the Ministers in Natal. In a measure, I think, by the aid of friends in England and India, we have succeeded there. As to Australia and Canada, the remedy is to take up the proposed measures, the text of which, unfortunately, I have not seen, and to attack the details so as to make them as lenient as possible. On the main points Mr. Chamberlain simply will not help and, if the debate is forced, he will make a speech which would embolden the Colonists in their anti-Indian attitude.

For the new Colonies in South Africa, our position is and ought to be infinitely stronger than elsewhere. The Colonial

[1] *Vide* the preceding item.
[2] *Vide* Vol. II, pp. 287-8.

Office has a much freer hand. The past remonstrances to Mr. Krüger on the very anti-Indian legislation which is now being enforced will, for very shame, make Mr. Chamberlain take up an entirely different attitude. I enclose herewith an extract from his reply[1] to our memorial on the Transvaal legislation. He then did not help because he was powerless. Now that he is all-powerful, how can he help granting relief, and yet, unfair as it may appear to draw an inference not creditable to him, we are very much afraid that he has gone back upon his old love and may, if not properly watched, give away our position in the two new Colonies.

In anything that the friends may do in England, I think all the efforts ought, for the present, to be concentrated on getting redress in the Transvaal and the Orange River Colonies. In Natal, relief for the present is unobtainable. In Australia and Canada, there is no resident Indian population which has to suffer. There it is a matter of principle which certainly is a great one. In the Transvaal, the principle is there, the grievance is present, tangible and real because of the very large vested Indian interests, and relief is obtainable if only because Mr. Chamberlain has not yet committed himself one way or the other and, according to Lord Lansdowne, the treatment of British Indians was one of the causes of the war.

In this matter there is no difference of opinion. The East India Association has worked in our behalf, so has the London *Times* and so also Sir Mancherji. I hope, therefore, that in your crusade against the Colonial prejudice you will work in co-operation with them.

If I may venture to make a suggestion, I would like our friends to seek an interview with the Colonial Premiers who are expected to attend the Coronation ceremony and to discuss the situation with them.

The contributions of the local Indians in Natal to the present war may be taken into account in dealing with the question. I enclose herewith the cutting which would give you an idea of their work.

I have taken the liberty to write you fully and frankly for which I trust you will be good enough to excuse me. If you require any further information, I would be glad to place it at your service.

I remain,
Yours faithfully,

From a photostat of the office copy : S.N. 3945

[1] This is not reproduced here.

185. LETTER TO G. K. GOKHALE

RAJKOT,
March 27, 1902

DEAR PROFESSOR GOKHALE,

I was exceedingly sorry to hear that you had got fever. I need hardly say that among your many duties one of the most important is to preserve your health for the sake of your country, and, therefore, hope that it was not over-anxiety or overwork that brought on the illness. If I may be permitted to make a remark, strictest regularity in your household would benefit not only you but, what is more, those who may have the privilege of coming in contact with you. I may be wrong, but I feel sure that its observance is not a matter of great difficulty.

I see in the papers that a Bill is to be introduced in the Viceregal Council regulating the emigration of artisans, mountebanks, etc. What may this be? Is it a concession to Colonists or meant really to be in the interests of ourselves? I hear that Mr. Vadia passed through Rajkot and collected a few hundred rupees for the Ranade Memorial. I expect to hear from you about your movements during the next few days.

May I trouble you to inform Mr. Bhate that I have at last received my things from Calcutta?

I remain,
Yours truly,
M. K. GANDHI

[PS.]

Mr. Turner has at last sent me a copy of the letter from the Private Secretary. I enclose copy.

M. K. G.

From a photostat of the original : G.N. 3721

186. LETTER TO EDITOR, "INDIA"

RAJKOT,
March 30, 1902

TO
THE EDITOR
"INDIA"

DEAR SIR,

I had your letter of the 28th February redirected to me from Bombay. As requested, I send you herewith notes[1] on the position of the British Indians in South Africa as far up to date as possible. Assuming that you possess all the papers sent to you from time to time, I have not restated all the previous history. I am sending a copy to Sir Mancherji also, whose co-operation, I suppose, the British Committee would invite in this matter.

I am,
Yours truly,

From a photostat of the office copy : S.N. 3948

187. LETTER TO M. M. BHOWNAGGREE

RAJKOT,
March 30, 1902

DEAR SIR MANCHERJI,

As you are aware, after our meeting in Bombay, I went over to Calcutta and attended the Congress where the following Resolution[2] was passed:

After that I stopped in Calcutta for some time with a view to promote a deputation to His Excellency the Viceroy through the Honourable Mr. Turner, President of the Bengal Chamber of Commerce, who on approaching the Viceroy received a reply[3], copy of which I enclose herewith; in view of such a reply, the deputation has necessarily to be dropped. I have only just

[1] *Vide* "Notes on the Present Position", pp. 274-6.
[2] Not reproduced here; *vide* p. 252.
[3] This is not available.

returned to Rajkot and now enclose herewith a statement[1] of the present position of the British Indians in South Africa, prepared at the instance of the Congress, and I venture to hope that, until the whole question is satisfactorily solved, you will be good enough to take the same warm interest that you have hitherto done.

I remain,
Yours truly,

SIR M. M. BHOWNAGGREE, K.C.I.E.M., ETC.
LONDON

From a photostat of the office copy : S.N. 3947

188. LETTER TO KHAN AND NAZAR

RAJKOT,
March 31, 1902

DEAR MESSRS KHAN AND NAZAR,

It is a great pity you have not found time to write to me now for a very long time. I am now able to enclose herewith a copy of the letter written by the Viceroy to Mr. Turner. I enclose also a copy of the note prepared for the British Committee of the Congress at the request of the Editor of *India.* I have sent a copy to Sir Mancherji also. Had it not been for some anonymous friend who has sent me *Johannesburg Gazette* and a paper containing the new Civil Service rules, the two facts could not have been embodied in the notes. I do still hope that Sir Mancherji would be invited. I repeat the request made in my letter[2] from Rangoon that, if our people propose to enforce the promise made by me,[3] it should be done while my plans are yet unsettled, though I know that there is no such condition attached to the promise. It would be a gracious act tc free me unless it is to be enforced in the near future. If you have not already sent the credit balance by draft, please do so immediately on receipt hereof. How are you both getting on? The copies of pamphlets, etc., are still coming; so also copies of

[1] *Vide* pp. 274-6.
[2] This is not available.
[3] While leaving South Africa, Gandhiji had agreed to return within a year should the Indian community there need him. *Vide* Vol. XXXIX, p. 177.

the correspondence which James was to have prepared for me; all this must be due either to unflinching devotion, or to the minting operations. I hope it is the latter. A cablegram in the *Times* received today announces the death of the uncrowned king[1] of South Africa. It is impossible to withhold a tear in spite of all his faults.

From a photostat of the office copy : S.N. 3949

189. LETTER TO MAURICE

RAJKOT,
March 31, 1902

DEAR MR. MAURICE,

I had your letters, two in Calcutta and a third redirected from Calcutta to Rangoon. I was surprised to learn from your last letter that even up to the date thereof you had not recieved my reply to your first letter. I hope, however, that before you embarked for South Africa, you had received it.

I do not know that I deserve the thanks you have thought fit to express for anything that I may have done in Calcutta to make your visit as comfortable as possible. It was nothing but duty done, and I wish I could have done more.

After tremendous difficulty, I was able to move the President of the Chamber of Commerce, and as a result, a very sympathetic reply from the Viceroy has been secured. But, of course, sympathy alone would do very little. In order to call forth action in accordance with it, great effort on the part of the Indian public is necessary.

I wish you were with me during my voyage to Rangoon as well as the 3rd class travelling in the North West. Your letter had very nearly taken all the wish out of me, but I thought I was bound to carry out the programme first sketched, and so I did, I am glad to say, with the result that I feel all the richer for the experience thus gained. I confess, I do not share altogether your views about the dirty habits of the 3rd class passengers. I do not know that you have travelled 3rd class on the Continental railways as I have. I would far rather be in a 3rd class compartment in India than in Europe; for, at

[1] Cecil Rhodes, who died on March 22

times, the company of the 3rd class passengers on the Continental railways I found to be very disagreeable both from a sanitary standpoint and otherwise. So Mr. Rhodes is dead. However much one may dislike his policy, it is impossible, now that the man is gone, to withhold a tear; that he was a true friend of the Empire it would be very difficult to gainsay. I hope you have settled down once more in Cape Town and that you and your family are keeping good health. Please let me hear from you if you have not written already.

Yours truly,

From a photostat of the office copy : S.N. 3950

190. LETTER TO G. K. GOKHALE

RAJKOT,
April 8, 1902

DEAR PROFESSOR GOKHALE,

I tender you my respectful congratulations on your great Budget speech of which I have received a copy. I am well aware that my praise is uninformed, yet it is none the less sincere. I would like, if it is possible, to get a few copies of your speech for distribution among friends in Natal.

I await your promised letter in reply to my previous letter referring to the Ranade Memorial subscription.

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : G.N. 3719

191. LETTER TO G. K. PAREKH

[RAJKOT,]
April 16, 1902

DEAR MR. PAREKH,

I have yours of the 9th instant for which I beg to thank you. When I am likely to be in Bombay I will duly inform you beforehand.

THE HONOURABLE MR. GOKALDAS KAHANDAS PAREKH
MAHABLESHWAR LODGE
MAHABLESHWAR

From a photostat of the office copy : S.N. 3956

192. LETTER TO "THE TIMES OF INDIA"

RAJKOT,
April 22, 1902

THE EDITOR
"THE TIMES OF INDIA"

SIR,

Your issue of the 10th instant contains a cablegram to the effect that a Bill, which imposes on the children of indentured Indians in Natal the same disabilities as the parents themselves, has been read a second time in the Legislative Assembly of the Colony.

In the absence of the full text, it is rather difficult to comment upon the measure; but as the delivery of letters from South Africa is so very uncertain, and as I know with what swiftness Bills can become the law of the Colony, I venture to offer a few remarks.

It was, I think, in the year 1893 that delegates appointed by the Natal Government came to India to persuade the Indian Government to sanction legislation requiring indentured Indians to return to India after the completion of their indentures or to pay a poll-tax of £25 per year. There is a long history behind this delegation which, although painfully interesting, I am obliged to omit, in order to be brief. The then Viceroy, His Excellency Lord Elgin, while he absolutely refused to impose a poll-tax of £25, unfortunately accepted the principle by consenting to a reduced tax of £3. Had His Lordship known, as I fear he did not do then, that a similar attempt was made some twenty years back without avail, probably he would not have yielded.

Now the present Bill is, I fear, in a measure intended to accomplish what the delegation failed to do in 1893. For under it all children of indentured parents (even infants in arms!) would be liable to pay the £3 tax, and if an indentured Indian happens to have seven children, by no means an unlikely event, between him and his children he would have to pay £24 per year, a thing that would be absolutely beyond his capacity. I shudder to contemplate the evil effects of such a measure on the moral tone of the community which is called upon to pay

such heavy penalties for the mere permission to exist in the country to which they have been actually invited or, shall I say, allured.

The iniquity of the measure sanctioned by Lord Elgin in 1893 was graphically described by you, as well as the late Sir W. W. Hunter, who called the state of indenture one of semi-slavery. I would beg to quote the opinions also of the Natal legislators, given when the proposal to compel return of the labourers was first made.

The late Mr. Saunders, a distinguished Colonist, sometime member of the Natal Legislative Council, made the following remarks on the proposal:

> Though the Commission has made no recommendation on the subject of passing a law to force Indians back to India at the expiration of their term of service unless they renew their indentures, I wish to express my strong condemnation of any such idea, and I feel convinced that many, who now advocate the plan, when they realize what it means will reject it as energetically as I do. Stop Indian immigration and face results, but don't try to do what I can show is a great wrong.
>
> What is it but taking the best out of servants (the good as well as the bad), and then refusing them the enjoyment of the reward! Forcing them back (if we could, but we cannot) when their best days have been spent for our benefit. Where to? Why, back to face a prospect of starvation from which they sought to escape when they were young. Shylock-like, taking the pound of flesh, and Shylock-like we may rely on meeting Shylock's reward.

The late Mr. Escombe, sometime Prime Minister of the Colony, at the time of giving his evidence before a Commission appointed to inquire into Indian matters, deposed as follows:

> With reference to time-expired Indians, I do not think that it ought to be compulsory on any man to go to any part of the world save for a crime for which he is transported. I hear a great deal of this question; I have been asked again and again to take a different view, but I have not been able to do it. A man is brought here, in theory with his own consent, in practice very often without his consent. He gives the best five years of his life, he forms new ties, forgets the old ones, perhaps establishes a home here, and he cannot, according to my view of right and wrong, be sent back. Better by far to stop the further introduction of Indians altogether than to take what work you can out of them and order them away. The Colony, or part of the Colony, seems to want Indians but also wishes to avoid the consequences of Indian immigration. The Indian people do no harm as far as I know;

in certain respects they do a great deal of good. I have never heard a reason to justify the extradition of a man who has behaved well for five years. I do not think that the Indian, at the expiration of his five years' service, should be placed under police supervision unless he is a criminal. I know not why Arabs should be placed under police supervision more than Europeans. In cases of some Arabs the thing is simply ridiculous. They are men of large means, large connections, who are always used in trade if they can be dealt with more profitably than others.

I am aware that the honourable gentleman, after all, under pressure of electioneering circumstances, later on did "take a different view". The above extracts deal with compulsory return, but seeing that the poll-tax is meant to secure such a return of the indentured Indians they are applicable to it also, and the Bill under discussion would necessarily imply the return of the children, should they choose not to pay the tax.

You as well as your other contemporaries have laid the Indian settlers under deep obligation by frequently ventilating their grievances. It, however, appears that European Colonists in Natal will not be happy until every Indian is driven out of Natal. It is, therefore, with the Indian a life-and-death struggle. His cause is admittedly absolutely just. There are many other circumstances favourable to justice being done. We have a very strong Viceroy. The Colonial Secretary has often expressed his sympathy. Will you kindly put all these forces in motion? It would not be premature to move now. Probably, by the time papers are received from Natal, the Bill, too, would have been received at the Colonial Office for sanction. There is, therefore, hardly time to wait. I may state that the Colonial constitution requires sanction from the Home Government for all Colour legislation.

M. K. GANDHI

The Times of India, 1-5-1902

193. LETTER TO G. K. GOKHALE

RAJKOT,
April 22, 1902

DEAR PROFESSOR GOKHALE,

May I trouble you about the Indians in Natal? You may have read the cablegram that appeared in *The Times of India* of the 10th instant. I have written to the Editor a letter on it. I have also sent him, in order to enable him to study the history of the question, a copy of one of the memorials on the subject. It appears to me, if I may venture to make a suggestion, that the most effective measure in which probably you can help us is to see the Editor and discuss the situation with him. A powerful and intelligent agitation in the Press is, at present, the only mode of action. As soon as the papers are received from Natal, it may be necessary to take Mr. Turner at his word and ask him to join in sending a representative memorial to the Viceroy. I am very sorry I cannot send you also a copy of the memorial referred to above; but if the Presidency Association have at all filed the papers sent to it from time to time, you will get a copy from there. I am writing to Mr. Munshi about it. I hope I am not unduly trespassing on your time.

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : G.N. 3720

194. A CIRCULAR LETTER

RAJKOT,
[After *April 22, 1902*][1]

DEAR SIR,

I see from letters received, as well as some papers, that our people are rent by dissensions and are suffering from disgraceful

[1] From the reference to "Letter to *The Times of India*", pp. 284-6

revelations and scandals which go to show that our education is merely skin-deep.

I also note from a cablegram that the children of indentured parents are to be under the same restrictions as the parents themselves. I am sorry that not a friend has sent me the papers containing the text of the bill or the debate thereon. But a friend writes to me to say that no protest has gone up to the parliament on our behalf. Be that as it may, I have already written to *The Times* on the measure . protests are immediately going up to the Home Government from this side. You may see the letter and the leader thereon at the Secretariat.

You were all I think ready to praise what little work I did there and my mode of life. As an earnest thereof, you gave me addresses and presents. I told you then that they were valueless unless you were prepared to follow what was good in the object of your esteem. Our congresses and our associations are to no purpose, if we are unable to carry out the very ordinary principles of morality and cannot have energy enough to protest against the wrong that may be sought to be imposed on us.

If then there is yet left in you any love for me, I have to ask you to cleanse our homes of moral leprosy and devote our energy towards bettering our conditions and endeavour to stop the current of further disabilities.

To gain the above end complete surrender of self on the part of a few of us is necessary. By your action set an example [and be][1] prepared to suffer insults and to work for the sake of work and not for name or distinction.

If such pure patriots cannot be found then we would certainly merit all disabilities that can be imposed on us.

I hope you understand the spirit in which I have written the above.

I anxiously and prayerfully await a reply. There can be absolutely no cause for the serious omission to send a memorial protesting against the Immigration Bill as also the Civil Service Bye-law.

From a photostat of the office copy : G.N. 4775

[1] Some words are illegible here.

195. LETTER TO SIR J. ROBINSON

RAJKOT,
April 27, 1902

DEAR SIR JHON,

I have to thank you for your kind and welcome letter of the 11th March, as also for the photograph which I shall prize very much.

I am very glad to find that you liked Professor Max Müller's book. Nothing to my mind can conduce better to an understanding between the Western and the Eastern branches of the Imperial family than a fair knowledge, on the part of either, of the best of the other.

I thank you for your inquiry about my health, which appears to be steadily improving.

I fear that there is a great deal of truth in what some speakers and writers say about the growing poverty of the mass of the Indian peoples. Some classes have certainly become more prosperous, but the millions seem to be sinking. I was here in 1896 and the difference between what I saw then and what I see now is very great. The distress is indescribable. This, however, does not necessarily prove what those speakers and writers allege to be the cause of the poverty. All the same, a return to Akbar's method of administration may to a certain extent alleviate the distress caused by famine and plague. My remarks on this matter are subject to correction, as I have not yet been able to study the question as fully as I should like to.

I hope you are enjoying good health and pray that God may grant you many years to enable the country to receive the benefit of your great experience in many problems that still await solution in South Africa.

With my respects to you and Lady Robinson,

I remain,
Yours truly,

From a photostat of the office copy : S.N. 3961

196. LETTER TO G. K. GOKHALE

RAJKOT,
May 1, 1902

DEAR PROFESSOR GOKHALE,

I have to thank you very much for your kind note. I could quite understand that the reason for your silence must have been something quite unavoidable, but I did not think, until I saw Mr. Wadia three days ago, that it was your illness. I hope that you will soon regain your normal health. You will be pleased to learn that for the time being I have accepted the very responsible position of Secretary to the State Volunteer Plague Committee which has been established in view of an impending outbreak in Rajkot. I was therefore just thinking how I should manage, if I receive the summons from you for the Ranade Memorial, for which I need hardly say you may count upon me as your assistant, whenever you begin the work; that is, of course, should you require me then.

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : G.N. 3718

197. NOTES ON THE INDIAN QUESTION

RAJKOT,
May 6, 1902

In these notes, the Indian question as affecting Natal and the two new Colonies alone is considered.

NATAL

Natal is a self-governing Colony whose constitution requires that all Colour legislation, before coming into force, must receive the sanction of His Majesty the King, and it provides generally that any laws passed by the Colonial legislature may be disallowed within two years of their passing.

The Colony has a white population of about 60,000 and an equal number of British Indian settlers. The indigenous people,

that is, the Zulus, are a fine body of men, but they are very lazy, and will with difficulty work at a stretch for six months. When, therefore, the white settlers were at their wit's end with reference to the steady supply of reliable labour and the Colony was becoming bankrupt, the Legislature resorted to Indian labour and, after some negotiations, the Indian Government sanctioned the immigration of indentured Indians to Natal. This was nearly 40 years ago. The demand for Indian labour continued to increase and with it also the prosperity of the Colony. These men contracted to serve, for a period of 5 years, any master to whom they may be allotted at a monthly wage of 10s. for the first year, with an increase of 1s. per year. The contract also included free lodging, medical attendance and a free return passage at the end thereof.

The relations between the masters and the men are regulated by a special code which imposes some very stringent obligations on the men, a breach whereof becomes a criminal offence.

These labourers were naturally followed by free Indian settlers, that is to say, those who paid their own passage and went to the Colony in pursuit of trade, etc. The indentured Indians, too, after becoming free, instead of availing themselves of a free return passage, for the best part elected to remain in the Colony and developed into mechanics, petty traders, farmers, etc. This aroused keen trade jealousy among the white men who found no difficulty in picking out weakest points, viz., the habit of overcrowding, communal insanitation and some crude customs or superstitions. These were terribly magnified and were often, to our great disadvantage, discussed in the papers, and thus arose the popular prejudice against the Indian settlers who, being themselves unlettered and having no friend who would put their side of the question before the people, were unable to correct it. Before 1894, Natal was a Crown Colony, and attempts made to reproduce that prejudice in legislation were frustrated, but the Colony, having secured rights of complete self-government, succeeded in passing anti-Indian measures. The first attempt made was to pass laws specially applicable to Indians; for instance, a Bill was introduced preventing Indians from exercising the right of franchise. This was objected to by the Indians and, ultimately, the Colonial Secretary disallowed it. At the time of agitating against the measure, the Indians made it absolutely clear that they did not desire to possess in the Colony any political power, but they objected to it on the ground that it was a preliminary step, as it afterwards proved

to be, towards the curtailment of the rights of the British Indian settlers. To return, although the Bill was disallowed, it was replaced by another equally bad, if not worse, for the replacing Bill, which is now the law of the land, disqualifies those who have not hitherto exercised the Parliamentary franchise in their own country. Thus was opened the door to indirect legislation, such as the laws affecting immigration and dealers' licences. The Immigration Restriction Act prohibits the entry into the Colony of all those who, not having been previously domiciled there or not being wife or minor children of such persons, are unable to write out in one of the European languages an application in terms of the form attached to it. The Dealers' Licenses Act gives absolute powers to the Licensing Officers appointed thereunder to refuse or to grant trading licences. Their decisions are appealable only before the Municipal Corporations which appoint them and which, consisting as they do chiefly of tradespeople, try to do away with as many Indian licences as possible. As a matter of fact, these bodies even instruct their officers whether to grant particular licences or not. The inherent jurisdiction of the Supreme Court has been specially taken away. The licensing law is a matter of eternal soreness and, as the licences must be renewed every year, the Indian trader has to tremble on the approach of every new year. Notwithstanding these vexing disabilities, nothing, I am afraid, can be directly done for the present, seeing that they are all laws of Natal duly accepted by the Home Government, but the Europeans are not satisfied with what they have gained. They are anxious to impose further disabilities by indirect means. I see from the papers received from Natal that the Natal Civil Service Board has lately passed a bye-law regulating the admission of candidates for that examination, and it provides that children of parents affected by the disfranchising law above referred to shall not be admissible as candidates. In my opinion, this bye-law is illegal, going as it does to the root of the Constitution of the Colony. For, if it were an Act of the Colonial Legislature, it would require the sanction of the Home Government. Moreover, on general principles the bye-laws cannot be allowed to widen or restrict the scope of the Act under which they are framed. I have seen the Civil Service Act and in it I read no warrant for such a bye-law. I cite this instance just to show to what length the principle of indirect legislation has been carried. Of course, our people in Natal will have, if necessary, to test its legality. I have also advised them to memorialize the Governor of the Colony.

The recently published cablegram[1] in the papers shows the activity of the Europeans in another direction. In 1895, the indentured immigration law was amended so as to lengthen the period of indenture to 10 years and to compel the return to India after the completion of the indenture or, in lieu thereof, to annual poll-tax of £3. Now according to the cablegram, they propose to exact the poll-tax not only from the indentured immigrant but also from his children.

TRANSVAAL AND THE ORANGE RIVER COLONY

In the Transvaal, the Indians cannot own land or live except in Locations. They cannot walk on the footpaths, must take out passes like the Kaffirs. Now when the Location law was passed, Mr. Chamberlain, in reply to the Indian memorial protesting against it and the subsequent stages, gave a very sympathetic reply. He even suggested he might have granted tangible relief had his hands not been tied down by the acts of his predecessor. Moreover, Lord Lansdowne has been reported to have given the disabilities of the Indians as one of the causes of the present war.

Under such circumstances, it was naturally expected that, after the country passed into British occupation, the disabilities of the Indians would be swept away, but it is feared that the expectation may not be realized. Mr. Chamberlain appears to be shuffling. He talks of conferring with Lord Milner and asking him what changes are possible in the old legislation inherited by the British. Such an attitude is very dangerous. Why should there be any such reference at all? Surely, the very first thing to do should be to equalize the status of all British subjects and then consider whether any section merits special treatment. I understand, and to a certain extent, even sympathize with, this position. In 1896, when he penned his dispatch referred to above, he little thought that the war would be coming so soon and that, too, in such an acute form as to throw the whole country into his hands. Now he must find it difficult, on the one hand, to conciliate the very reasonable and absolutely just demands of the Indians as well as to act according to the terms of his dispatch, and, on the other hand, to satisfy the anti-Indian prejudice. He also probably seems to be on the verge of seeing, in his own lifetime and during his term of office, the South African Federation completed. The

[1] *Vide* "Letter to *The Times of India*", pp. 284-6.

Indian question must stand in his way, and, if he can harmonize anti-Indian legislation in South Africa, that difficulty is removed. It is, if I am not mistaken, for this reason that he is "tacking". He wants to sound the Cape and Natal on the question and modify the old legislation only so far as it is acceptable to the two Colonies.

It is, then, clear what should be the *modus operandi* on the part of the Indian publicists. All the available energy has to be directed towards the new Colonies, and, if a satisfactory solution can be secured, the Colony of Natal must necessarily yield, and, in my humble opinion, the way the agitation . . .[1] the Indian papers to keep the matter constantly before the public and the Government. Anglo-Indian sympathy in this matter is with us and that must at all hazards be retained. I attach hereto a copy of the letter from the Viceroy addressed to Mr. Turner which shows his views and which shows also that the Bengal Chamber of Commerce is prepared to move. The public associations must combine. And, if one association were to make the question of foreign emigration its special study, it can direct in proper channels the whole agitation such that the Home Government cannot easily disregard it.

In South Africa, we are engaged in a struggle for existence with a race that is intensely active and rich, and which does not brook a defeat. A corresponding activity continually is required on our part, and success is ultimately bound to come.

Several leaders in conversation with me have given way to despair. I must confess I do not share any such feeling, though, certainly, the position is very difficult, and any false move may retard success. It is only to justify such sanguine attitude that I mention the fact that in several matters the Europeans in South Africa have been unsuccessful in carrying their point. In Zululand, for instance, which is part of Natal, legislation was actually passed depriving Indians of the right of buying land[2] and it was disallowed. The Immigration Restriction Act and the Dealers' Licenses Act are also a compromise. The original draft Bills went much further than these, and it was due to persistent agitation that Indians have been able to retain a footing at all in Natal or the Transvaal. In the Colonies, our endeavour has been to conciliate the Colonials by removing misunderstanding, by sympathizing with them in their

[1] Some words are illegible here.
[2] *Vide* Vol. I, pp. 295-6.

difficulties in howsoever a humble manner and even by taking part in the war.

In the Orange River Colony, the disabilities are far more serious. The Indians have no rights there at all, but I imagine that the legislation will be the same as in the Transvaal.

From a photostat of the office copy : S.N. 3963

198. LETTER TO ABDULKADAR

RAJKOT,
May 7, 1902

DEAR MR. ABDULKADAR[1],

I enclose herewith a Gujarati letter[2] addressed to you as well as Messrs Rustomji and Miankhan. I do hope you will have the letter properly read and understand it. I need not add any further to it. You have not acknowledged any of my letters. I shall thank you to let me have draft for the balance of my bill which I need badly.

Yours truly,

From a photostat of the office copy : S.N. 3964

199. LETTER TO "THE TIMES OF INDIA"

RAJKOT,
May 10, 1902

THE EDITOR
"THE TIMES OF INDIA"
BOMBAY

SIR,

With reference to my letter[3] about the position of the British Indians in Natal published in your issue of the 1st instant, I have now received from Natal the papers containing the text of the Bill, which I beg to give below:

> Bill to amend the Indian Immigration Amendment Act, providing that every Indian child, on attaining the age of majority (males 16,

[1] Prominent businessman of Durban, Vice-President of the Natal Indian Congress in 1894 and its President in 1899

[2] This is not available.

[3] *Vide* pp. 284-6.

females 13), shall be obliged (*a*) to go to India, or (*b*) to remain in Natal under indentures similar to and renewable in the same manner as the re-indenture referred to in Act No. 17, 1895, as amended by subsequent Acts, or (*c*) to take out year by year, in terms of Section 6 of Act No. 17, 1895, a pass or licence to remain in the Colony.

Provided, however, that if such child attains majority before the completion of his father's first or any subsequent indenture, the operation of this section shall be suspended until the completion of such indenture. In the case of a child whose father is dead or not in Natal, or whose mother was unmarried at the time of the child's birth, the above reference to the father's indenture shall be deemed to apply to the mother's indenture. A child to whom this Act applies shall be entitled to a free passage to India in order to enable him to proceed thither at the end of the first or any renewed term of indenture of his father (or of his mother, as the case may be). The right to a free passage shall however be lost (*a*) if the father, or, as in the above case, the mother, shall have completed a term of indenture during the child's minority and shall not have returned to India or entered into a fresh indenture in terms of Act No. 17, 1895, (*b*) if the child does not go to India by the first opportunity available to him after attaining his majority or after the end of a term of indenture entered into under this Act. The Act does not apply to persons who have attained the age of majority previous to the date of taking effect of the Act, but it makes no difference whether the child is born before or after arrival of parents in Natal.

The Bill, then, if it is any satisfaction to know the fact, is not to apply to infants in arms. The more, however, one considers it, the more unjust it is found to be.

It is worthy of note that the children who have received an elementary education in the Colony are expected by the Bill to serve at a rate of wages far below the market-rate, like well-built men as field labourers from "sunrise to sunset", and that the children born of the so-called unlawful connections, too, are brought under the Bill. Thus, the children of an indentured woman married according to the religious rites of her sect to a free Indian, but whose marriage is not registered and not recognized in the Colony, will be under the same restrictions as indentured Indians. But it is hardly worth while to examine the details of a measure whose principle is repugnant to the ordinary rules of justice as it is known to those brought up under the British Constitution.

The same mail that has brought the papers containing the text of the Bill also brings the news that Indian children,

attending the schools in the Colony, are to be debarred from receiving the Coronation commemoration medals which are to be presented by the Government in June next to all the European children attending the schools. The exclusion is certainly not based on grounds of economy, for the Indian children are, I think, about 3,000 against 20,000 European children. Evidently, the Coronation celebration day is to be marked out for the Indian children to realize as vividly as possible that the possession of a brown skin is a sure mark of humiliation and degradation in the estimation of the Government of the Colony.

The Times of India, 14-5-1902

200. *LETTER TO D. E. WACHA*

RAJKOT,
Su..day, May 18, 1902

DEAR MR. WACHA,

I have your letter. Although I think the sentence referred to by you may stand as it is, now that it has struck you as perhaps unwarranted in order to avoid the slightest semblance of exaggerated language, I propose the following in its place. "It is now evidently sought as much as possible to reach the same figure by taxing the children of indentured men after they have attained the artificial majority." I suppose you are printing the memorial.[1] If so, I hope you will let me have a few copies.

I am,
Yours truly,

From a photostat of the office copy : S.N. 3967

[1] *Vide* "Memorial to Secretary of State for India", pp. 308-10.

201. LETTER TO EAST INDIA ASSOCIATION

RAJKOT,
May 18, 1902

TO
THE SECRETARY
EAST INDIA ASSOCIATION
WESTMINSTER
LONDON

DEAR SIR,

The enclosed[1] will tell its own tale. The East India Association has laid the British Indian settlers in South Africa under deep obligation by advocating their cause. It has already demanded suspension of emigration from India of indentured people, if no redress can be granted in respect of general disabilities. Such a demand would be very appropriate at this juncture, for, the Bill referred to in the enclosed directly affects the interest of the indentured people. I believe the Presidency Association here is moving in the matter. May I request some similar action on the part of the Association. A combined movement is bound to achieve success.

I remain,
Yours truly,

From a photostat of the office copy : S.N. 3966

202. LETTER TO M. M. BHOWNAGGREE

RAJKOT,
May 18, 1902

DEAR SIR MANCHERJI,

I hope you received my last letter[2] dated the 30th March. Since then the Natal Government has made another attempt to impose further disabilities on the British Indian settlers in

[1] Evidently these were copies of the two letters to *The Times of India* *vide* pp. 284-6 and 295-7.
[2] *Vide* pp. 280-1.

that Colony. The enclosures will explain the situation thoroughly. To my mind, this attempt is bound to be frustrated if all the available forces in favour of the settlers were set in motion. To demand suspension of emigration in Natal, if the Bill cannot be vetoed, would be absolutely just, for it is the very indentured people that are now concerned. As you are aware, the East India Association has asked for such suspension even in respect of the general disabilities of the Indians in South Africa. How much more necessary it must be in the present case! I believe the Presidency Association has already moved the latter. May I request your powerful help on behalf of the poor people?

I remain,
Yours truly,

From a photostat of the office copy : S.N. 3971

203. LETTER TO "THE ENGLISHMAN"

RAJKOT,
May 20, 1902

[SIR,]

I venture to ask for a short space in your paper to enable me to draw the attention of the public to the latest attempt of the Natal Legislature to impose further disabilities on the British Indian settlers in that Colony.

The Natal Parliament has passed a Bill which makes the children (males 16, and females 13 years old) of indentured Indians liable, like their parents,

(a) to return to India, or
(b) to enter into indentured service, or
(c) to pay the annual poll-tax of £3.

During Lord Elgin's viceroyalty, a deputation[1] came all the way from Natal to induce His Lordship to sanction legislation terminating the indentures in India, thus preventing their permanent settlement in the Colony, or imposing a poll-tax of £25 per year on each indentured Indian who may wish to remain in the Colony as a free man. Happily, His Lordship would not listen to any such proposal, but unfortunately, and, I believe, because His Lordship was probably unaware of certain circumstances, reluctantly accepted the principle of taxation as a price

[1] The Binns-Mason Commission of 1893-94

for freedom by sanctioning the imposition of the £3 annual tax. Now if the Bill in question becomes law, the Natal Government would have very nearly succeeded in attaining what they failed to get 8 years ago.

Imperialism is on the lips of everybody, more especially in the Colonies. How to weld the different parts of the British Dominions into one beautiful unbreakable whole is a problem which the greatest British politicians of the day are endeavouring to solve, and yet, here is a Colony which is making invidious distinctions between one class of British subjects and another in a most aggravating manner.

The attitude of the Natal Government towards the indentured Indians is indefensible from every point of view. These men go to Natal at the invitation of the Colony to materially help forward its advancement. Only last month you published a cablegram stating that the Premier of the Colony, in reply to the proposal to stop indentured emigration from India to the Colony, said that such a thing would paralyse its industries. It was, "when", in the words of a Natal Legislator, "the fate of the Colony hung in the balance," that "Indian labourers were introduced, up went the prices, and up again went the revenue, wages and salary." It hardly accords with justice and fairness to tax the people who have thus given the best 5 years of their lives to the Colony at a rate of wages far below the market-rate. Even in the Colony, though it was a voice in the wilderness, there was one gentleman, an ex-Attorney-General, Mr. Morcom, K.C., who protested against the Bill in the following terms. He said

> that Indian childern who happened to be born in the Colony would have to be deported, or indentured for life, or pay the licence [fee] of £3 a year. The way in which the Colony was flooded with Indians for labour might induce many undesirable circumstances but it was utterly impossible for the House, without disregard of justice or constitutional propriety, to deport these children who had had the misfortune to be born in the Colony.

So long as there are men in Natal who, like Mr. Morcom, are not blinded by prejudice, so long will there be hope for justice being ultimately secured, but, until public opinion there has veered round in favour of justice and fairness, it is very essential that the Indian public should remain on the alert, and that the Home Government firmly insist on justice being done to the Indians.

In the words of Mr. Morcom, "the idea seems to be to get all the advantages out of the system without regard to its drawback." Would it not then be "better by far", in the words of another Natal Legislator, "to stop the further introduction of Indians altogether than to take what work you can out of them and then order them away"?

This is a question on which there is, there can be, no division of opinion. May I ask you to raise your powerful voice against the contemplated injustice? I may state that the Bill has been specially reserved for sanction from the Home Government before it can become law of the Colony.

I am, etc.,
M. K. GANDHI

The Englishman, 26-5-1902

204. INDIA AND NATAL[1]

The Imperial wave is passing rather furiously over the British dominions. There will be hearty rejoicings wherever the Union Jack floats, during the Coronation. At such a time, peace and goodwill unto all British subjects should be the desire of everyone owning the sovereignty of King Edward VII. There can be no true imperialism unless we have oneness, harmony and toleration among all classes of British subjects. Let us see, then, how the Colony of Natal, which prides itself on being the most British Colony in South Africa, proposes to help in realizing this imperial brotherhood and in spreading peace and goodwill among all. Attention has already been drawn to the piece of injustice sought to be perpetrated by the Natal Government on the British Indian settlers in that fair land. To understand thoroughly the gravity of the situation, it would be well to know the history of Indian emigration to Natal.

As early as 1862, the Colony found, after several experiments, that it could not "stand on its legs" unless it imported Indian labour in order to develop its agricultural resources. The natives of the soil, 400,000 in number, were found to be too lazy to work. The climate was too trying for the white men to do much out-door work. When, therefore, the "fate of the Colony hung in the balance," the Indian Government were

[1] This was later reproduced in *Harijan*, 23-10-1949.

approached to help it out of its difficulty. All kinds of inducements were offered to the first Indian settlers, and a continual stream of emigrants flowed into the Colony from India. Later on, when misgivings arose as to the utility of introducing the Indian element into the Colony, a Commission was appointed to examine the whole question, and one of the Commissioners, Mr. Saunders, thus recorded his opinion:

> The Indian immigration brought prosperity, prices rose, people were no longer content to grow or sell produce for a song; they could do better; war, high prices for wool, sugar, etc., kept up prosperity and prices of local produce in which the Indians dealt. . . .
>
> Our records prove, as do those of other Colonies, that the introduction of coloured labour which develops and draws out the hidden capabilities of the soil and its unoccupied acres, opens out at the same time numerous unforeseen fields for the profitable employment of white settlers. If we look back to 1859, we shall find that the assured promise of Indian labour resulted in an immediate rise of revenue. . . . But a few years later, alarm arose that it will be suspended simultaneously; down went the revenue; . . . and yet another change, a fresh promise of renewed Indian immigration created its effect, and up again went the revenue. . . .Records like these ought to tell their own tale and silence childish sentimentalities and mean jealousies.

The present Premier of the Colony has informed us only lately that a stoppage of Indian emigration would paralyse its industries. The Indian labourer, then, is admittedly indispensable to the welfare of the Colony. As in 1862, so in 1899, it was India which came to the rescue in its hour of need. Without Indian labour in 1862 the Colony would have become bankrupt, if its own legislators have given us correct information. In 1899, as the whole world knows, without an Indian army, its capital and its port would have been in Boer hands.

As a reward for all these services, the Natal Parliament has passed a Bill, imposing an annual tax of £3 on the children of indentured Indians (males 16 years, females 13) unless, on attaining the artificial majority, they either deported themselves from the Colony or entered into a series of indentures during their stay in the Colony! It may be remarked in passing that the indenture wage is 10s. per month the minimum, and £1 per month the maximum—a rate which is far below the market-rate; moreover, breaches of these indentures on the part of the indentured men become criminal offences which, under ordinary contracts, can only be dealt with civilly.

It is painful to recall the fact that it was Lord Elgin's Government that paved the way for the imposition of a poll-tax on the children of the immigrants by consenting to a levy of the tax on the parents; but we have no hesitation in saying that the parents' liability to pay the tax cannot justify a similar imposition upon the children, for, the former, at any rate, are presumed to know the conditions under which they go to Natal, and lawyers may say, that if they choose to accept very onerous conditions, it is their look-out. But are the children presumed to know any such conditions? That they are born of such parents is no doubt a grievous misfortune. Unfortunately, they cannot help themselves. The parents, again, know what indentured labour is, they know what India is; but the same cannot be said of their children born in the Colony. To expect them, after they have, perhaps, received some education, and known its worth in the Colony, either to go to India or to accept a status described by the late Sir W. W. Hunter as that of semi-slavery, is cruel in the extreme.

Evidently, the Colony wants to get all it can out of the poor Indian, and at the same time to avoid the consequences of the introduction of Indian labour. A more straightforward course to adopt would be, if it did not care to have the Indian as he is, to do away with his labour altogether—an attitude which would be at once intelligible and satisfactory. We have no wish to force our countrymen on them, but it is fair to expect a just British treatment for those who are invited to the Colony; and if it is impossible for the Indian Government to secure for the settlers a fair treatment, and if the Colony will not, of its own accord, stop the State-regulated importation of Indian labour, it is clearly the duty of our Government to help it to do so. We have fortunately a vigilant and masterful Viceroy in Lord Curzon, and we hope His Excellency will not allow any serious injustice to be perpetrated. May we not also appeal to sober-minded people in the Colony itself? We see that one member at least of the Natal Parliament, Mr. Morcom, would have nothing to do with the Bill, the un-British character of which he showed up in forcible language. We are sure there must be many who think like Mr. Morcom. Why will they not all speak out like him and break down the barrier of prejudice against the poor British Indian? In the meanwhile, however, we have a right to look up to Mr. Chamberlain to exercise his powerful influence with the Colonies on the side of justice and fairplay.

The Voice of India, 31-5-1902

205. *LETTER TO JAMES GODFREY*

[Rajkot,
May/June 1902][1]

MY DEAR JAMES,

I have your letter of the 25th April for which I thank you. I am very glad you are working so well. Never mind reward for your services. It always comes without the slightest doubt *when we do not pine for it*[2]. It may not come in the manner we may expect it. But that matters very little. Really speaking, a consciousness that we are doing what we consider to be our duty to the best of our ability is the highest reward. I wish you every success in your studies. Shorthand you must not neglect on any account. I have written a letter[3] to a few Colonial-born friends. As the facilities for multiplying copies are not as I should like them to be, I have omitted to send one to you or your father. Please, therefore, do read it either from Messrs Paul, Done, Amboo or Laurence. It is meant for all. I am glad George has found something at Johannesburg. Please ask him to write to me. I am also glad that your father is now all right. Mrs. Gandhi often thinks of Mrs. Godfrey and your sisters. Remember us to all members of your family. Do write me from time to time.

Yours truly,

From a photostat of the office copy : S.N. 3957

[1] The letter appears to have been written while Gandhiji was in India. The addressee was in South Africa and his letter dated April 25 would have reached Gandhiji by the end of May or the beginning of June 1902. The reference to "facilities for multiplying copies" occurs in this as well as the following item.

[2] These words are underlined.

[3] This is not available.

206. LETTER TO NAZAR AND KHAN

RAJKOT,
June 3, 1902

DEAR MESSRS NAZAR AND KHAN,

I now enclose herewith a memo of expenditure[1] on account of the Natal work. You will notice that it amounts to Rs. 378-7-9, a trifle over Rs. 375 realized from the draft. Of late, South African work has increased considerably. I returned from Calcutta at the end of February, and since that time I have engaged a clerk on the usual terms, namely, that he gets copying charges which are for the most part paid by the clients. At present I am supposed to be taking rest, nor would there be much work for me in Kathiawar even if I opened a regular office. The real use I can make, therefore, of clerical assistance is with reference to public work. Now about 100 sides of type-written matter have been already copied, not including carbon copies, besides a lot of Gujarati correspondence and other work. As copying fees for this work, I have so far paid only Rs. 15. The usual charges here are half a rupee per each written side. I think I am understating the work when I say that he has had to devote on an average 3 hours per day. Under the circumstances, I consider the payment to be very small. I should like to be able to pay him at least Rs. 40 for the whole of the work up to date. Moreover, the work continues. Had I got funds, I should have been able to distribute literature more widely. As it is, I am obliged to work as if I had no funds. I should very much like to subscribe to one or two papers, for instance, *India*, *Englishman*, etc., which are not to be had in the Rajkot Library; also to directories. Soon after reaching Bombay, I invested in a typewriter Rs. 200. The machine has been wholly used for public work. I have, therefore, to submit the following three propositions to the Congress:

1st. It should vote the balance of my account and Rs. 25 extra for clerical fees, i.e., Rs. 28-7-9.

2nd. It should buy over the typewriter, to be taken over by me whenever I am in a position to do so, at the same price, unless it is sooner taken away by the Congress from me.

[1] This is not available.

3rd. The Congress should vote a further sum of £25 to cover future expenses.

If all the three propositions are accepted, you will have to send me £25, and the cost of the typewriter plus Rs. 28-7-9. I am thoroughly aware that any expense beyond £25 is undertaken at my own risk and, at the time of buying the typewriter, I had absolutely no thought of making the proposal I am now making, as I did not then expect my pecuniary position to be so bad as it is. It is, therefore, entirely at the option of the Congress whether to accept or to reject the first two proposals, by which I mean the Congress must not think of sanctioning them, because they are my proposals. If, on their merits, they appear to be reasonable and if it was a matter of buying a new typewriter, the Congress would still invest in it, then alone should the 2nd proposal be considered. I may also state that the clerk working with me is my nephew and, but for the volume of work, I should not have thought of paying any clerical charges to him. He is not a volunteer who may be expected to work to any extent without pay. He has no source of income except through me. As to the 3rd proposal, if it is accepted, it will enable me the better to carry on the public work, whenever any expenses are necessary.

I herewith enclose a copy of the Presidency Association Memorial[1], and my letter to the *Englishman*[2] and an article for the *Voice of India*[3]. I am daily expecting at least 100 copies of your Immigration Memorial[4], as also a few photographs and copies of the coronation address, not to say copies of other memorials, South African Blue Book, etc. I should very much like to possess Bird's *Annals of Natal* and the latest report of the Superintendent of Education. The *Government Gazette* and *The Natal Mercury* weekly I ought to receive without fail.

Yours truly,

From a photostat of the office copy : S.N. 3976

[1] *Vide* "Memorial to Secretary of State for India", pp. 308-10.

[2] *Vide* "Letter to *The Englishman*", pp. 299-301.

[3] *Vide* "India and Natal", pp. 301-3.

[4] Presumably a memorial which Natal Indians presented to Chamberlain in June 1902 regarding a Bill to amend the Indian Immigration Act of 1895

207 LETTER TO MADANJIT VYAVAHARIK

RAJKOT,
[*June 3, 1902*][1]

DEAR MADANJIT[2],

Happening to go to Junagadh, I met there your brothers, mother-in-law and brother-in-law. I did my best to explain the position and have pacified them. Your mother-in-law complained that they had had no letter from you. This is not proper. You ought to write to her from time to time. That gives satisfaction as well as consolation. Most probably, Labhshanker will bring your wife with him. If, however, your mother-in-law does not at all agree to this, he will come alone. You may come here and take her with you when she is in a position to attend to household work. It seems your mother-in-law is opposed to sending her with anyone else. Please read the letter I have written to Mr. Nazar today. From that you will understand how great must be my need of money. For the present, I think, it will be possible for me to stay in Bombay only if the amounts due start coming in from your end regularly.

From a photostat of the office copy in Gujarati : S.N. 3958

[1] From the reference to "Letter to Nazar and Khan"; *vide* the preceding item.

[2] A co-worker of Gandhiji in South Africa who had set up the International Printing Press in Durban in 1898; at Gandhiji's suggestion he started *Indian Opinion* in 1903.

208. MEMORIAL TO SECRETARY OF STATF FOR INDIA

BOMBAY PRESIDENCY ASSOCIATION
APOLLO BUNDER,
BOMBAY,
June 5, 1902[1]

TO
THE RIGHT HONOURABLE LORD GEORGE HAMILTON
H.M.'S PRINCIPAL SECRETARY OF STATE FOR INDIA-IN-COUNCIL
LONDON

YOUR LORDSHIP,

By direction of the Council of the Bombay Presidency Association, we beg to draw Your Lordship's attention to a Bill which has passed its second reading in the Legislative Assembly of Natal and which is termed "The Bill to Amend the Indian Immigration Amendment Act".

The Bill in effect purposes to bring [under it] the major children (males 16 years and females 13) of the British Indians, indentured under the Act No. 17 of 1885 of the Natal Legislature, and would, therefore, like their parents render them liable:

(a) to return to India at the Colony's expense or
(b) to enter into indentured service or
(c) to pay the annual poll tax of £3.

It is difficult to say whether the Bill will be finally passed by both the Houses and reach the Colonial Office for sanction. But, in view of the uncertainty of postal delivery of letters from South Africa, the Council deems it right, even at this somewhat premature stage, to enter this humble protest against this latest attempt of the Natal Government to impose restrictions of a harsh character on the liberty of the British Indians.

As Your Lordship is aware, it was with great reluctance that His Excellency Lord Elgin, the then Viceroy, sanctioned in 1894 the imposition on the indentured Indians of the £3 tax, euphemistically called a pass or licence, to remain in the Colony. That tax is admitted to be severe enough, though the

[1] An advance copy of this memorial bearing the date May 24 was sent to *India*, but it was submitted to the Government of Bombay under this date for transmission to the Secretary of State for India.

original proposal of the Natal Government was to secure permission to levy a £25 tax.

It is now evidently sought to reach the same figure as much as possible by taxing the children of the indentured men after they have attained the artificial majority.

The object of regulating by law the emigration of the population of India is, the Council understands, to foster foreign settlement and to protect such settlers. This object would be obviously frustrated if the labourers, after they had given, in the words of the Natal legislators, the best 5 years of their lives to the Colony, are compelled to return to India.

And if it is a hardship on the men who have been brought up in India to return to India, how much more so must it be for those who went to the Colony as infants or were born there. The object of the Bill cannot be mistaken. The tax is to be levied not for the purposes of revenue. The intention is to make it sufficiently severe to oblige those coming within the scope of the intended legislation to return to India.

Indeed, Europeans in Natal are endeavouring to secure such legislation as would make the indentures terminate in India. The Prime Minister of the Colony has, as it appears from recent cablegrams, stated that the stopping of Indian immigration would paralyse the industries of Natal. The Council asks respectfully, whether the people, who are so indispensable to the welfare of the Colony, and who have materially helped to make it what it is, are to be singled out for special taxation.

The Council, moreover, begs to draw Your Lordship's attention to the fact that these very indentured Indians, at a time when their service was imminently required, voluntarily came forward to help the military authorities as stretcher-bearers. The work of the Natal Volunteer Indian Ambulance Corps is well known to Your Lordship. It has been favourably mentioned in Despatches.

The Council ventures to think that such men deserve a better treatment than being subjected to an annual tax of the character above described.

The principle of the measure is so manifestly unjust that the Council does not consider it necessary to enter into an examination of its details.

Ever since the Colony has obtained self-government, the Indian settlers there, whether free or indentured, have not had rest from "pin-prick" legislation of the character to which Your Lordship's attention has been drawn by various public bodies, including the Association.

If it is found difficult to restrain the self-governing Colony from riding rough-shod over imperial considerations and treating British subjects as aliens, the Council of the Association, in common with the East India Association, which has only recently approached Your Lordship, respectfully considers that it is time Your Lordship should adopt measures to suspend State-regulated emigration from India to the Colony, the more so now, seeing that it is these very people who are touched by the Bill in question.

We remain, &c.,
PHEROZESHAH M. MEHTA
President
DINSHAW EDULJI WACHA
AMEEROODIN TYABJI
CHIMANLAL SETALVAD
Honorary Secretaries

Colonial Office Records : C.O. 179, Volume 225, India Office

209. LETTER TO DR. PRANJIVANDAS MEHTA

[RAJKOT,
Before *June 30, 1902*][1]

MY DEAR MEHTA[2],

I have your two letters. The enclosed will show you the nature of the work I have undertaken.[3] I see that it is exceedingly difficult to dispose of the books, but as the chief aim is to popularize the information contained therein, I have lent copies to half a dozen Plague Volunteers. I shall try to take my weight. I cannot say I yet feel strong enough, but people who saw me in Natal and who have seen me here notice a considerable change for the better. I am obliged to take fruit salt once or twice a week. I try to take as much exercise as possible, but the heat is against it.

If Oomiashanker[4] is to join the Technical Institute, which I think is an excellent idea if you are prepared to pay the

[1] The letter is undated but from the reference to the opening of the second term of the Technical Institute "on the last Monday in June" it appears to have been written before June 30, 1902.

[2] A friend of Gandhiji since his student days in London

[3] The enclosure is not available. Gandhiji was, at this time, Secretary of the Plague Committee; *vide* "Letter to G. K. Gokhale", p. 290.

[4] Addressee's nephew

expenses, I know it is not necessary for him to matriculate and the sooner he joins the Institute the better. Fees are 36 rupees per annum for Engineering or Cotton manufacture. The second term commences on the last Monday in June every year. The qualifications are study up to the 6th standard. Even if you want Oomiashanker to go up for the matric, I am sure he won't pass. His heart is not in it and I do not think he is industrious enough; he may require a little goading. The Technical School here is not doing much. The telegraphic class is closed. So the only thing he is doing at present is typewriting. The book-keeping class is very indifferently managed.

From a photostat of the office copy : S.N. 3959

210. LETTER TO D. B. SHUKLA

AGAKHAN'S BUILDING, 2ND FLOOR,
OPPOSITE HIGH COURT,
BOMBAY, FORT,
[After *July 11, 1902*][1]

MY DEAR SHUKLA,

Thakor of Tharad has just seen me. I have cursorily glanced through the papers. I remember you suggested an appeal to the Privy Council, but against which decision? Not against that of the Political Superintendent! And I don't suppose it can lie against that of the Bombay Government! The Thakor is anxious to obtain an opinion from Mehta, whom I propose seeing this afternoon.

I have at last secured an office at the above address where please direct your reply. I have to pay Rs. 20 per month for one room. What is the period within which you may appeal to the Government of India?[2]

Yours sincerely,
M. K. GANDHI

From a photostat of the original : S.N. 2325

[1] According to *Jivannu Parodh* Gandhiji left Rajkot for Bombay on July 10 and reached there the next day.
[2] This sentence is in Gandhiji's hand.

211. LETTER TO G. K. GOKHALE

AGAKHAN'S BUILDING, 2ND FLOOR,
OPPOSITE HIGH COURT,
BOMBAY, FORT,
August 1, 1902

DEAR PROF. GOKHALE,

I think I have told you that if I receive the funds expected from Natal, I would settle in Bombay. Having received over Rs. 3,000, I have opened an office here and propose giving a year's trial to this place.

I need hardly repeat the assurance that you could command me at any time.

I hope you are doing well constitutionally.

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : G.N. 3717

212. LETTER TO DEVCHAND PAREKH

OPPOSITE HIGH COURT,
BOMBAY, FORT,
August 6, 1902

MY DEAR DEVCHANDBHAI[1],

I did not wish to suggest that Mr. Indrajit should be given any responsible work at all. His wish is to act as junior counsel in addition to your paid junior. All he wants, I suppose, is to be able to say that he appeared as Junior Counsel in a Privy Council case and possibly to gain some practical knowledge.

I have taken up a room from Payne, Gilbert, Sayani and Moos for office, and a part of Keshavji Tulsidas' Bungalow in Girgam Back Road for residence. That is all the progress I have made so far.

[1] A friend of Gandhiji who later gave up legal practice to join States politics and Gandhiji's constructive work

I have just finished the welcome draft work that Shukla sent me while I was in Rajkot, and am now free to lounge about the High Court letting the Solicitors know of an addition to the ranks of the briefless ones.

Mehta, on my going to him for a blessing, gave me a curse which as he said might prove a blessing. He thought, contrary to my expectations, that I would be foolishly wasting away in Bombay my small savings from Natal. Wacha, I have not yet been able to see. Gokhale is not here. The Solicitors, whom I have seen, say that I would have to wait long before I could get any work from them. The Chief Justice is very anxious for the advancement of the junior barristers and only last week established a moot society for their benefit.

Such briefly are the circumstances under which I find myself. The work is uphill. But I do not despair. I rather appreciate the regular life and the struggle that Bombay imposes on one. So long, therefore, as the latter does not become unbearable, I am not likely to wish to be out of Bombay.

I am very glad to learn that Manilal is doing so well.

It is true that my nephew at first sent disappointing reports from Benares: that they provide only two meals per day does still appear to me to be a drawback. But it is yet too soon to pass judgment one way or the other. He will be able to send me more reliable reports after he has become used to his totally new surroundings.

If the rains fail in Kathiawar this time also, the outlook must be very serious. I am afraid the *joshis*[1] and other weather prophets are good only for evil reports.

Please show this to Shukla.

Yours truly,
M. K. GANDHI

From a facsimile of the original : *Mahatma*, Vol. I, between pp. 64 and 65

[1] Astrologers

213. LETTER TO D. B. SHUKLA

AGAKHAN'S BUILDING,
OPPOSITE HIGH COURT,
BOMBAY,
November 3, 1902

MY DEAR SHUKLA,

I have your letter. Yes, I received a cablegram from Natal asking me if I could go to London and thence to the Transvaal. I replied saying 'no' unless it was absolutely necessary. Just then my children were ill and in any case I do not yet feel strong enough for the mental strain a visit to London and South Africa would require. I have not yet heard in reply to the cable from me.

I cannot yet say, I have begun to feel my way about here. I am not, however, anxious about the future. So far the office work has paid my expenses which I see will reach a higher figure than we thought there.

I am very glad you have been retained for the prosecution in the Najawala case. For more reasons than one, I hope you will succeed in securing a conviction.

I do not know whether letter-heads for a Barrister are in good taste. Whether they are or not, mine are a present from Durban and I have been using them—though not yet for office work.

The plague must have changed the face of Rajkot. I hope it is now on the wane.

Yours sincerely,
M. K. GANDHI

From a photostat of the original : G.N. 2329

214. *LETTER TO D. B. SHUKLA*

AGAKHAN'S BUILDING,
OPPOSITE HIGH COURT,
BOMBAY,
November 8, 1902

MY DEAR SHUKLA,

I have received a message[1] with funds requesting me to sail for Natal at once. As I have not left in me sufficient energy to cope with the difficulties there, I have asked certain questions before deciding to leave, so that my way may be as smooth as possible under the circumstances, so far at any rate as the internal management is concerned. 99 chances to 1, I will have to leave and that too on the 19th instant. This therefore may be my last letter to you in India. I have not the time to write to Devchand Parekh separately; kindly therefore show this to him. If he is ready to go, or if Vanichand, of whom he talked to me, is ready to go, I shall be prepared to do all I can. South Africa can accommodate 6 Indian Barristers, if not more, and if some, of course of the right stamp, were to come with one eye on their living and the other on public work, much of the burden may be distributed—not to speak of the relief in the pressure here. I am corresponding with another party too.

Now for self; whether Mrs. Gandhi accompanies me or not will be decided after I receive the reply from Durban. But whether she does or not, I propose to leave the two boys Gokaldas and Harilal here. They would go to Rajkot as soon as it is free from plague. Benares I have tried but it would not suit. Gondal has no special attractions. The best thing therefore to do is to put them in the Kattywar High School and to keep a trustworthy, paid man who would look after their education. All I have to say to you, then, is please look after the boys, look them up now and then, induce them, if you have no objection, to use your tennis court. I might have also to trouble you to find out the right man for them if I fail in doing so myself.

[1] Gandhiji had received a cable from Durban which read: "Barrister Gandhi, Rajkot. Committee requests fulfil promise. Remitting."

How is the plague going on there now?

Yours sincerely,
M. K. GANDHI

From a photostat of the original : G.N. 2330

215. *LETTER TO G. K. GOKHALE*

OPPOSITE HIGH COURT,
BOMBAY,
November 14, 1902

DEAR PROF. GOKHALE,

When I was just feeling that I had settled down in Bombay, I received a message from Natal asking me immediately to go there. From the cablegrams exchanged between our people in Natal and myself, I think it is in connection with Mr. Chamberlain's approaching visit to South Africa that I am required there.[1] I propose to leave by the first steamer available. That would be probably the 20th instant.

I wish I could meet you before my departure. But that seems impossible.

I hope you will keep an eye on the Indian question in South Africa. So long as I am there, I would deem it my duty to keep you informed of the position. I consider Lord George Hamilton's reply to be rather hopeful. And if the movement in India were well directed, I feel sure that much good will be done to the cause.

I hope you are keeping good health. Mr. Wacha told me some time ago that you were going to Mahabaleshwar for a change.

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : G.N. 2245

[1] *Vide* Vol. XXXIX, p. 202.

216. LETTER TO MAYOR OF DURBAN

THE NATAL INDIAN CONGRESS,
P. O. BOX 182,
CONGRESS HALL,
DURBAN,
December 25, 1902

DEAR MR. MAYOR,

There is an insuperable difficulty in the way of the Indian deputation waiting on the Right Hon. Mr. Chamberlain tomorrow, as it is a Friday, and as it is just the very time for prayer which most of the gentlemen, who are to form the deputation, would be quite unable to forgo. Under the circumstances, I shall be very much obliged if you will be good enough to fix some time on Saturday for the Indian deputation.

I remain,
Yours truly,

From a photostat of the office copy : S.N. 4020

217. PETITION TO SECRETARY OF STATE FOR COLONIES[1]

DURBAN,
December 27, 1902

TO
THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN
HIS MAJESTY'S PRINCIPAL SECRETARY OF
STATE FOR THE COLONIES
DURBAN

RIGHT HONOURABLE SIR,

We, the undersigned, representing and on behalf of the British Indians residing in the Colony of Natal, respectfully venture to draw your attention to the following statement of the legal disabilities under which Indian subjects of His Most Gracious Majesty the King-Emperor are labouring.

[1] Gandhiji led the deputation which waited on the addressee during his visit to Durban.

The Dealers' Licenses Act, which was promulgated on the 29th day of May, 1897, giving as it does practically absolute power to the Licensing Officer appointed thereunder to grant or refuse applications for licences to shopkeepers or hawkers, is an engine of very great oppression, and affects a large body of the most respectable and the wealthiest portion of the Indian community in the Colony. There is a right of appeal against the decisions of the Licensing Officers to the local Corporations, Boards or Licensing Boards, as the case may be. It deprives the Supreme Court of its inherent jurisdiction over the judgment of these popular bodies in this matter, and we need hardly point out how popular bodies at times abuse powers vested in them. In the course of our previous representations on the subject, we had the honour to draw your attention to cases of real hardship caused by the operation of the Act. Indirectly, it checks a great amount of Indian enterprise, the poorest trader not even venturing to make an application for a licence, and all Indian traders remaining under suspense from year's end to year's end, for these licences have to be renewed every year, and are liable under the Act to be refused any year. In response, we believe, to a representation from you to the Natal Government when most Local Boards threatened to wipe out Indian traders wholesale, one Corporation at first refusing all Indian applications, the Natal Government wrote to them saying that, unless they exercised the arbitrary power given by the law to them in a judicial and fair manner, it might have to be revoked. Since then, we must confess, as a rule, the old licences have not been touched; but it is a law that may involve at any time many an Indian merchant in ruin, and so long as it remains unmodified, it is difficult for us to be at ease. We would venture to quote an instance of gross injustice committed under it. One Mr. Amod Ebrahim, who is able to read, write and speak the English language fluently, a merchant of 17 years' standing in the Colony, held a trading licence for over six years in Greytown. This year, his application, although backed by 138 residents for the transfer of his licence from an old building to a new and more suitable one, has been refused without any reasons being given therefor. The Greytown Board passed last year the following resolution in respect of the Indian merchants there:

> That the licences held by the present Arabs, at the pleasure of the Board, will only be renewed as long as the Arabs hold same, but no fresh licences will be issued for other Arab tenants for vacated premises.

The same merchant has also been refused a licence in respect of his own land in Greytown. The matter was brought before His Excellency the Governor, who has declined to interfere.

All that we ask for is a restoration to the Supreme Court of its jurisdiction over the decisions of the bodies above mentioned, who, very often, being traders, are interested parties. We have exhausted every means in our power, having gone as far as the Privy Council which has decided that, under the Act, the Supreme Court is powerless to grant substantial relief. We think the Indian community, as has often been acknowledged by the Licensing Officer in Durban, as well as the Sanitary Inspector, is always ready to comply with the sanitary requirements of the law, and we feel it very keenly that, even when all these have been fulfilled, we may not get licences to trade merely because of the colour of our skin.

The Immigration Restriction Act, which was promulgated on the 8th day of May, 1897, directly affects many British Indians intending to emigrate to the Colony and indirectly affects those already settled in it. The clause which tells rather hardly on intending settlers is one imposing the education test whereby a knowledge of one of the European languages is insisted upon. A merchant, well versed in an Indian language, would, under the laws, be a prohibited immigrant. Where, however, it becomes most irksome is when the settlers in the Colony intend to bring out storemen, salesmen, assistants, clerks, cooks and other domestic servants. It is not always possible to draw upon the men previously domiciled in the Colony, who under the law are free to enter it whether they have a knowledge of the English language or not. Applications have often been made to the Natal Government to allow facilities for admitting such persons for local requirements, but they have been invariably refused, with very rare exceptions. Moreover, a person domiciled in the Colony is unable to have his parents or his other relations with him, except his wife and minor children, although they may be dependent upon him. The possibilities for grave mischief under the law are very numerous. To take only one instance: during the war, hundreds of Indian refugees from the Transvaal found themselves unable even to pass through the Colony, unless they could deposit £10 each. The matter became very serious. The Government were twice approached. But it was only when His Excellency the High Commissioner intervened that permission was granted to these refugees to pass through the Colony. That British subjects, neither criminals nor

paupers, should find it difficult to enter any part of His Majesty's dominions is a thing very difficult to understand.

The question of Indian education is becoming day by day more serious. At the same time, we are not blind to the fact that the Government have to contend against great popular prejudice. Be that, however, as it may, it is respectfully submitted that the Indian population in the Colony, which contributes its quota to its general revenue, is fairly entitled to reasonable facilities for educating the Indian youths who are born in Natal, and to whom Natal is their only home. Gentlemen occupying responsible positions under the Government, living entirely in the European style, as many Indian youths having English as their mother tongue, were debarred, in spite of representations to the highest authorities, from sending their children to the ordinary Government schools. Government have been pleased lately to open two Higher Grade Indian schools, one in Durban and the other in Maritzburg, where elementary education is being given, but there are no facilities, after an Indian boy leaves these schools, for further education.

That the indentured Indians, upon whom depends the prosperity of this Colony, after the completion of their indentures, have to pay a poll-tax of three pounds sterling every year, if they decide to remain in the Colony, is, in our humble opinion and as has been admitted by His Excellency Lord Elgin, bad enough. But now a Bill has passed through the Natal Parliament imposing the tax on their children above the age of thirteen years in the case of girls and sixteen years in the case of boys. That Bill is now before you for consideration. All that could be said on it has been said in our memorial laid before you thereon, and seeing that it is so manifestly against British traditions, we feel confident that it will not receive the Royal assent.

There are other disabilities of perhaps minor importance which we do not propose to dwell upon: for instance, the vexatious Pass Restrictions, both during day time and night time, and alike in country places as in towns. We recognize that so long as there is indentured Indian population in the Colony, some Pass law is necessary, and the remedy probably lies in the judicious administration thereof. Respectable people, men and women, were only lately arrested under the suspicion that they were indentured Indians; one man was out in search for a doctor for his wife who was in labour. Bail was refused for them. The matter was duly brought before the Government, who advised legal steps!

We are engaged in an incessant struggle for existence in the Colony. We never know when the finality in the list of our disabilities will be reached. There is a serious talk about compelling the time-expired indentured Indians to return to India, and about preventing the Indian residents from buying land. The Indian community is practically without any political power, nor does it aspire to any. When years ago we protested against disfranchisement, we did so because of the degradation it involved, and because it was admittedly an earnest of anti-Indian legislation which was to follow. The Honourable Sir John Robinson, at the time of introducing the disfranchising measure, in reply to the fear above referred to, said that no such fear was to be entertained as, after disfranchisement, it would be the special duty of the Legislature to look after the interests of the disfranchised. The disabilities narrated above show how unavailing the Honourable Gentleman's assurances have been. The colour prejudice born of unreasonable fear of trade competition has been too strong.

The first two enactments have received the Royal assent, but we trust it will not on that account appear out of place for us to refer to them, seeing that they are a source of constant irritation to us. Nor are we unaware of the slightness of the check that is exercised by the Home Government on the self-governing Colonies. But we venture to trust that the question now brought before you is of such importance as to belong to the category of those which call for the exercise of whatever power the Home Government may possess over the self-governing Colonies.

Ours is not, after all, a question that affects only a few thousand Indians but it is that of the status of His Majesty's Indian subjects. In the words of the late Sir W. W. Hunter:

> May the British Indians, when they leave India, have the same status before the law as other British subjects enjoy? May they, or may they not, go freely from one British possession to another, and claim the rights of British subjects in allied States?

Regarding Natal, Lord Ripon assured us in one of his despatches that:

> It is the desire of Her Majesty's Government that the Queen's Indian subjects should be treated upon a footing of equality with all Her Majesty's other subjects.

Locally, we have been doing our utmost to deserve a better treatment, as we doubt not the Ministers will inform you. The

Protector of Indian Immigrants, although he deals only with the lowest, or rather, the poorest, of our countrymen, in his last Report says:

> On the whole, the Indian immigrants resident in this Colony, I am happy to say, still form an orderly, law-abiding and respectable element of the community, and may be considered as generally prosperous.

We need hardly add more. We know we have your sympathy, and we pray that you will be graciously pleased to exercise your great influence in our behalf.[1]

We have the honour to remain,
Your most obedient and humble servants,
M. K. GANDHI
AND FIFTEEN OTHERS

Colonial Office Records : Petitions and Memorials, 1902, C.O. 529/1

218. LETTER TO COLONIAL SECRETARY, TRANSVAAL

338 PRINSLOO STREET,
PRETORIA,
January 2, 1903

TO
THE HONOURABLE THE COLONIAL SECRETARY
PRETORIA

SIR,

It is the wish of the British Indian community in the Transvaal to lay before the Right Honourable Mr. Joseph Chamberlain its views on the legal disabilities it is labouring under in the Colony as well as the Orange River Colony.

I have the honour on behalf of the community to enquire whether the Right Honourable Gentleman will be pleased to receive a deputation in the matter and, if so, when.

From 1894 to the middle of 1901, my countrymen here have been guided by the advice of Mr. Advocate M. K. Gandhi by whom were also prepared most of the representations submitted to the Colonial Office during that time.

The Honourable the Assistant Colonial Secretary, on whom I and our secretary, Mr. Hajee Habib, waited this morning, as

[1] For Chamberlain's reply to the deputation, *vide* Vol. XXXIX, p. 204.

also did Mr. Gandhi, says that he (Mr. Gandhi) not being a resident of the Transvaal will not be allowed to represent us before Mr. Chamberlain. But as we have not among us one who has studied and knows anti-Indian laws of the late Republic as Mr. Gandhi has and does, and as he has been specially sent for from Bombay, I am to beg respectfully to ask for permission for Mr. Gandhi to accompany the deputation above referred to if the Right Honourable Gentleman graciously consents to receive it.

I have the honour to remain,
Sir,
Your most obedient servant,
TAYOB HAJEE KHAN MAHOMED

From a photostat of the office copy : S.N. 4023

219. *LETTER TO P. S. TO GOVERNOR OF TRANSVAAL*

CALCUTTA HOUSE,
PRETORIA,
January 6, 1903

TO
THE PRIVATE SECRETARY
TO HIS EXCELLENCY THE GOVERNOR
PRETORIA

SIR,

I had the honour on the 2nd inst., as Chairman of the British India Committee, to write to the Honourable Colonial Secretary enquiring whether the Right Honourable Mr. Joseph Chamberlain would graciously receive a British Indian deputation in connection with the disabilities of my countrymen residing in the Colony, and protesting against the refusal of the Assistant Colonial Secretary to allow Mr. Advocate M. K. Gandhi to be the spokesman of the deputation. The Assistant Colonial Secretary has after several verbal and written reminders and after 4 days' delay sent the enclosed reply[1]. Copy of the letter to the Honourable the Colonial Secretary is herewith enclosed.[2]

[1] This is not reproduced here.
[2] *Vide* the preceding item.

I have the honour now to repeat the request for permission for Mr. Gandhi to be our spokesman. The refusal seems to my Committee, with due respect, to be a most extraordinary procedure. As His Excellency is probably aware, Mr. Gandhi has been hitherto allowed to represent the British Indians here before British officers; as, for instance, he represented us on several occasions before His Honour the British Agent at Pretoria, as well as the British Vice-Consul at Johannesburg, before the war broke out.

Hostile as the late Republican Government was to our interests, he was moreover allowed to represent us before its members.

My Committee also desires me to enter its respectful protest against the Supervisor of Asiatics being imposed upon us as our interpreter and spokesman. We have always understood that the Right Honourable Gentleman's wish is to receive deputations from representatives without any official restraint and the presence of that officer is hardly likely to carry it out.

I am to request you to place this communication before His Excellency, and I venture to trust that His Excellency will be pleased to give my Committee directions in the matter.[1]

I have the honour to be,
Sir,
Your obedient servant,
TAYOB HAJEE KHAN MAHOMED

Pretoria Archives : Lt. G. 92 & L. G. 2132, No. 97.1.2 : Asiatics, 1902/1906

[1] On January 7, the Lieut.-Governor replied that he could not accede to the request for Gandhiji's inclusion and that he did not see any objection to the presence of the Supervisor of Asiatics. Gandhiji deals with this incident in his *Autobiography*; *vide* Vol. XXXIX, pp. 205-9.

220. ADDRESS TO SECRETARY OF STATE FOR COLONIES[1]

PRETORIA,
January [7],[2] *1903*

TO
THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN
HIS MAJESTY'S PRINCIPAL SECRETARY
OF STATE FOR THE COLONIES
PRETORIA

SIR,

We the undersigned, representing and on behalf of the Indian subjects of His Most Gracious Majesty the King-Emperor, respectfully venture to draw your attention to the following statement of the legal disabilities under which our countrymen are labouring in the Colony. According to the laws of the late Republic, the British Indians:

(1) cannot own landed property except in Locations,
(2) are bound to have their names entered in a separate register within eight days of their arrival and pay therefor the sum of £3, stg.,
(3) must trade and reside only in Locations,
(4) cannot be out after 9 p.m., except on special permission,
(5) cannot travel on the railways except third class,
(6) cannot walk on the footpaths in Johannesburg and Pretoria,
(7) cannot, in Johannesburg and Pretoria, drive in hired vehicles,
(8) cannot own native gold or take out diggers' licences.

Such, so far as we have been able to ascertain, is the anti-Indian legislation inherited by the Imperial Government from the late Republic and [it] remains still unrepealed.

Of these laws and bye-laws, the curfew, the railway travelling, the footpath and the cab regulations, although they were strictly enforced soon after the war, have been latterly considerably relaxed; at the same time, so long as they remain unrepealed, they are apt, at any moment, to be enforced strictly and, in any case, put an unnecessary affront on the Indian community.

[1] Gandhiji in his *Autobiography* says that this memorial was drafted by him. *Vide* Vol. XXXIX, p. 205.

[2] The address was presented on January 7.

As is well known, the whole of the anti-Indian legislation of the late Boer Government is due to their classing us with the natives of South Africa. Soon after the passing of the London Convention, that Government interpreted the term "Natives of South Africa" to include British Indians. Against such interpretation and the treatment based thereon, there was on the part of Her late Majesty's Government, with one unfortunate vacillation arising from a misunderstanding, a continued protest.

Then, what is more, there was the constant, wholesome fear of the intervention of the British Government in our behalf. The result was that, although the principal law against us was passed in 1885,[1] and although we had to remain in a state of great suspense and uncertainty, most of us were able to ward off the final blow. But, now, the laws stand without such consoling circumstances surrounding them. The sole duty of the Asiatic Department is to enforce the laws affecting us, and to say who shall receive the permits to enter the Colony. While, therefore, the Europeans, whether British subjects or otherwise, get permits practically for the asking, the Indian refugees have to apply to the Supervisor of Asiatics who decides whether he would allow the Permit Officer at the Cape, Natal, or Delagoa Bay, as the case may be, to issue particular permits or not. And, as if this were not enough, the Indian refugees after their arrival are expected to take out what are called residential passes, although these are now no longer necessary for the rest of the inhabitants.

Whereas, under the lax Boer Administration, many Indians traded without paying for their licences with full knowledge of the authorities, under the vigilant British Administration such a thing is naturally impossible.

You, Sir, when appealed to in our behalf, were pleased to say that, although our complaint was admittedly just and that we had your sympathy, you were then powerless to do anything further than making friendly representations to the late South African Republic. Moreover, when war came, it was declared officially that the disabilities of the British Indians were one of its causes.

With the end of the war, therefore, we thought that our difficulties would be over. But, so far, unfortunately, the hope has not been realized. The laws above referred to, which are

[1] *Vide* Vol. I, p. 197.

manifestly un-British, are now, as a rule, being enforced with British regularity. The curfew and the other laws which have been relaxed were never rigidly enforced even under the old regime.

There has been established what is known as the Department of Asiatic Affairs which, however well-intentioned its institution may have been, has been, in practice, an innovation on the old system very much to our disadvantage.

When it was inaugurated, we respectfully protested; but it was understood that it was only a temporary department, to be withdrawn on regular business being resumed. Under the old regime, there was no separate department with only Indian matters to attend to.

There are now, therefore, fewer Indian merchants and storekeepers than before, and the tendency is towards greater strictness. Some licences were issued at the commencement of the British occupation to those who did not hold the same before the war. The Government have notified their intention not to issue licences to such people. Thus, many of us, who traded before the war without a licence and had licences issued to us last year, are now confronted with the prospect of our licences being stopped.

In Pietersburg, notice has already been issued to such holders that they would receive only temporary licences for three months to enable them to sell off their stock.

The resident Magistrate of Wakkerstroon has informed the Chamber of Commerce that the existing Indian licences will not be renewed this year. Our proper course, we know, is, in such matters, to approach the higher authorities here before appealing to you. We mention them only to show how we are at present worse off than before and that it is an incident of the separate administration of Asiatic Affairs, which, moreover, tends to accentuate the distinction between classes.

To show further how our position is for the time being worse than before, it may be stated that the children of a Government Officer, who were allowed under the Boer regime to attend an ordinary European school, have been, after British occupation, removed from it.

Just before the outbreak of the war, the Boer Government were trying to remove the present Indian Location at Johannesburg to a place far away from town. A protest was lodged.[1] Mr. Evans, the then Vice-Consul, intervened on our behalf, and the matter

[1] *Vide* "Letter to British Agent", pp. 101-5.

was allowed to remain in abeyance. Now, however, it has progressed far enough to fill its residents with alarm. We know that the present medical officer has condemned it in unmeasured terms. But, if it is in an insanitary condition, from what he states, apparently the fault is not one-fourth that of the residents. Its requirements were neglected under the Boer regime. The charge of insanitation against the Indian community has been fully discussed and, we hope, thoroughly refuted in our previous memorials.[1] We venture to quote below two medical certificates by practitioners of standing.

Dr. H. Prior Veale, B.A., M.B.B.C. (Cantab), certifies as follows:

> I have generally found them (Indians) cleanly in their persons and free from the personal diseases due to dirt and careless habits. Their dwellings are generally clean and sanitation is willingly attended to by them.' Class considered, I should be of opinion that the lowest-class Indian compares most favourably with the lowest-class white, that is, the lowest-class Indian lives better and in better habitation and with more regard to sanitary measures than the lowest-class white. I have further found that, during the period that small-pox was epidemic in the town and district, and it is still epidemic in the district, although every nation nearly had one or more of its members at some time in the Lazaretto, there was not a single Indian attacked. Generally, in my opinion, it is impossible to object to the Indian on sanitary grounds, provided always, the inspection of the sanitary authorities is made as strictly and regularly for the Indian as for the white.

Dr. F. P. Marais, M.D. (Edin.), certifies:

> Having a very extensive practice among these people, I can speak from personal experience, and repeat that they are more cleanly than the poor whites, and if the coloured people were to be moved on account of want of cleanliness, then some of the poor whites will have to suffer the same fate.

But we need not labour the point any further, in view of the fact that you were pleased, in reply to our memorial, to declare yourself satisfied that restrictions on our liberty were an outcome of trade jealousy. Nor, perhaps, is it necessary for us to refer to the White Leagues that have been formed in some parts of the Colony. It is a strange irony of fate that, when the famous Uitlander petition was sent to the Home Government, we were invited

[1] *Vide* also Vol. I, pp. 201-14.

as brethren to join in protest against the Boer misrule and were told how our disabilities were sure to be removed as soon as the Imperial rule was established. Now, these gentlemen are passing resolutions asking the Imperial Government to keep the very disabilities afoot.

If it is permissible to refer to the anti-Indian legislation in the Orange River Colony, we beg to summarize it below.

Chapter 33 of 1890 prevents any Asiatics from:

(1) remaining in the State for more than two months without permission from the President,

(2) owning landed property,

(3) trading or farming, and Chapter 10 levies a poll-tax of 10 shillings per year when permission has been granted subject to the restrictions above named.

Out of the many Indian traders who were settled there, three who struggled for existence up to the last moment were by the late Government expelled from the country under the ordinance referred to, at a loss to them of over nine thousand pounds.

Amid all these difficulties we have been able to derive consolation from the fact that they have engaged the close and sympathetic attention of yourself and His Excellency the High Commissioner.

His Majesty the King-Emperor, according to the newspaper reports, in his message to the people of India at the great Delhi Durbar renews his assurance of his regard for their liberties, rights and welfare.

And now, Sir, that you have come to study the Indian question among many others in the new Colonies, may we hope that, in the near future, the gracious assurance will be translated into an act of freedom for us, in common with other British subjects, to earn our livelihood in the new Colonies without being subjected to the indignities and restraints such as have been above described.

We have the honour to remain,
Sir,
Your most obedient and humble servants

Colonial Office Records : Petitions and Memorials, 1903, C.O. 529, Volume 1

221. *LETTER TO HAJEE ABDULLA*

Box 67, Calcutta House, Pretoria,
[*January*] *12*, [*1903*][1]

SHETH SAHEB HAJEE ABDULLA,

As promised, I send herewith a draft petition[2] against the Cape. It has been prepared with the utmost care and represents a step such as has never been taken before. I have, [moreover,][3] taken a cue from Mr. Chamberlain's speeches. It seems from what he has said that the legislation against us in South Africa will not be repealed in the immediate future. India has a population of crores. If South Africa were to be flooded with them, the Europeans would be overwhelmed. That is the irrational fear that the people here express. The accompanying petition replies to that fear. I have deliberately made the petition brief, so that many people may read it, and quickly. I have advanced therein five reasons to show that the Cape Parliament's action is mistaken. All the five have been argued before Mr. Chamberlain. Hence I have refrained from elaborating them at length. I have suggested two amendments to the Bill, namely, that knowledge of [any] Indian language, in place of English, should suffice, and that, even [in the absence of] such kn[owledge], any individuals whose presence may be necessary in the interests of the [Indian] population in the Cape should be permitted. All that needs to be done now is to obtain on the petition I am sending the signatures of as many lead[ing] Indians in the Cape as possible. It is necessary [to submit] the petition soon to Mr. Chamberlain while he is still in South Africa. When he arrives in the Cape, we should wait in a deputation[4] on him for a reply, so that he may give us whatever [reply] he wishes to. If Mr. Gool sets to work in the manner I think he should, I am confident of some measure of success. He should run up to Cape Town. He should dispatch

[1] Gandhiji was in Pretoria at this time.

[2] This is not available.

[3] The original being damaged at several places, Chhaganlal Gandhi has reconstructed the words from the context here as in other places.

[4] No report of this deputation is available.

the petition from there and send a copy immediately to the Press. He should contact pressmen and some members. If this is done, there [is] every [possibility] that the petition will gain support. All this [must be] done immediately and quickly. You must of course have arranged to present an address to Mr. Chamberlain. If it is to be drafted by me, kindly let me know. I will, accordingly, get it ready and send it. I don't think it will be possible for me to see Mr. Chamberlain in Cape Town. In spite of all efforts, I did not get the permission here.[1] It is a long story. That being the case here, it will be futile for me to try for an interview in Cape Town. [All the same] I will not refuse to go, if it appears [necessary] that I should, in order that I may contact pressmen [and] discuss things with [them]. [However,] . . . at present anything in South Africa . . .[2]

From a photostat of the Gujarati : G.N. 6576

222. *LETTER TO DADABHAI NAOROJI*

14 Mercury Lane,
Durban,
January 30, 1903

[sir,]

Two Indian deputations waited on Mr. Chamberlain in Natal—one at Durban and the other at Maritzburg. The statement[3] sent herewith was presented by the Durban deputation: it needs no comment.

The Rt. Hon. Gentleman considers that with reference to the laws already in force he can do very little, as the Colony is "responsibly" (?) governed. This reply in a measure is true. He also said that, with reference to the recent Bill imposing a tax of £3 on the children of indentured Indians, he would be guided by advice from the India Office. From what Lord George Hamilton has said to you at the deputation, it is to be hoped that the Bill will be rejected. He[4] seems to share

[1] *Vide* "Letter to Colonial Secretary, Transvaal", pp. 322-3 and "Letter to P.S. to Governor of Transvaal", pp. 323-4.
[2] The letter is incomplete.
[3] *Vide* pp. 317-22.
[4] Chamberlain

the fear of the Colonists that, unless the immigration of free Indians is checked, and indentured Indians are driven back to India on the termination of their indentures, this sub-continent will be swamped by the Indians. In a way he seemed to justify the attitude of the Colonists. I was present when he addressed the deputation in Durban. It was my intention to try to remove one or two of his misapprehensions when he received the Maritzburg deputation; but I was asked not to discuss any matter. So, I simply endorsed what had been represented to him at Durban, and Mr. Chamberlain repeated what he had said there.

Recently, the Natal Government has sent a commission to India to secure the termination of indentures in India, so that the indentured Indians may not have the opportunity of settling in Natal. This, of course, would be the climax in injustice, if it is at all countenanced by Lord Curzon. There is absolutely no precedent for it and it would be unadulterated slavery for a term of years. That, after the preaching of Imperial patriotism by Mr. Chamberlain, Natal should still make an effort to exploit Indian labour for its sole benefit, in total disregard of reasonable principles of contract, passes comprehension, and shows that the Colony has not in the least degree changed its hostile attitude towards British Indians. This is further confirmed by the fact that the Maritzburg Town Council is endeavouring to debar Indians from owning land. The solution is simple and most effective, viz., prohibition of indentured emigration to Natal, as suggested by Lord George Hamilton.

Yours very truly

From a photostat of the office copy : S.N. 4035

223. PETITION TO VICEROY

DURBAN, NATAL,
January, 1903[1]

TO
HIS EXCELLENCY THE RIGHT HONOURABLE THE LORD CURZON, OF KEDLESTON, P.C., G.M.S.I., G.M.I.E., &C., &C.
VICEROY AND GOVERNOR GENERAL OF INDIA, CALCUTTA
THE HUMBLE PETITION OF THE UNDERSIGNED, REPRESENTING THE BRITISH INDIAN COMMUNITY RESIDING IN THE COLONY OF NATAL

RESPECTFULLY SHEWETH THAT:

Your Excellency's Petitioners hereby beg to approach Your Excellency with reference to a Commission that has just set out from Natal with a view to induce the Government of India to sanction the compulsory return of the indentured Indians who go to Natal after the expiry of their indentures.

Your Petitoners draw Your Excellency's attention to the fact that, in 1894, the Natal Government deputed two gentlemen to confer with the Indian Government with the same object in view, and, they succeeded in persuading your predecessor, much against his will, to approve of a condition in the contracts of indentured Indians whereby they undertake, during their stay in the Colony, to continue to serve under indentures, or to return to India, or to pay an annual Poll-tax of £3.

The Commissioners, after their return to Natal, reported that, though the Government of India had not accepted the proposal for compulsory return, their mission might be regarded as successful in that "so far, no second term of indenture has been agreed to in the case of any country to which coolies emigrated, although the consent of the Government of India had been frequently asked for, and in no case had the condition of compulsory return at the end of the indenture been sanctioned."

Seeing, therefore, that the Government of India went as far as it did in 1894, with so much reluctance, your Petitioners have every confidence that the Commission that has proceeded

[1] The source does not specify the date.

to India this year will not receive countenance from Your Excellency.

Your Petitioners will, however, crave leave to take a brief survey of the situation in Natal and contemplate the results of the drastic proposals about to be submitted to Your Excellency by the Commission.

The last Report of the Protector of Indian Immigrants emphasizes the fact that the demand for Indian labour is day by day increasing.

Mr. T. L. Hyslop, President of a Farmers' Association in Natal, in his annual address last year, is reported to have said as follows:

> We, at times, hear a great outcry against the introduction of Indians into the Colony. We may, as well, look the fact in the face that, however much we would like to do without the coolie, any attempt to stop his introduction here would paralyse every industry in the country. There is much talk amongst badly informed people that we should do this, that, and the other thing with the Indians, but there is no use blinking the fact that we are very much in the hands of the Indian Government in regard to this question. I believe it is a fact that recent legislation in this Colony, and still more, ill-advised speeches by some of our legislators, have occasioned considerable irritation in India, and it is useless for us to appeal for further concessions at present. I understand that the proposal to have the indentures of Indians to terminate in India has no chance of being listened to by the Indian Government.

The Natal Mercury, in a leader commenting on Mr. Hyslop's speech, says:

> The Indian Government have to consult the well-being of the people under their care more than our convenience, and if crude legislation is passed by Parliament, and ill-advised speeches are made by Members, we may find ourselves very seriously hampered in getting the labour we need from India. At one time, it was only the sugar planter that made much use of the Indian labourer. Now the up-country farmer is quite as much in need of his services, and not only the farmer, but the mine owner, the contractor, the manufacturer and the merchant.

It is thus clear that the more thoughtful among the leaders of public opinion in Natal realize the unfairness of the proposal, and do not expect the Indian Government to countenance it. But, were it otherwise, in your Petitioners' humble opinion, there can be no two opinions about the Indian view of the question. If the labourer is to be forced back to India, the very object with which the Emigration Act was passed in

India would be frustrated. It was for the protection and the benefit of the emigrants from India that it was passed, and not for the benefit of the Colonies. As it is, in your Petitioners' humble opinion, Natal already enjoys the most favourable terms. It has more than a lion's share in the partnership and now it wants to go many steps further. The goal of its ambition is either "the coolie must remain under bondage in the Colony, or must return to India if he wants to remain free." That in returning to India he might have, in the words of the late Mr. Saunders, a legislator of Natal, "to face starvation" is a matter of no consideration for the Colony.

The main argument used to justify the proposal of compulsory return is that there cannot be any hardship in the conditions of a contract a party willingly undertakes to perform. The late Right Honourable Mr. Harry Escombe, sometime Prime Minister of Natal, in his evidence before a Commission appointed by the Natal Government, said as follows:

> A man is brought here, in theory with his own consent, in practice very often without it. He gives the best 5 years of his life, he forms new ties, forgets the old ones, and he cannot, according to my view of right and wrong, be sent back.

The Indian Government by the very act of prohibiting the emigration of such men, except under State supervision, have answered the argument by implying that they are in a state of pupillage and, therefore, incapable of understanding their own interests.

Your Petitioners would respectfully refer Your Excellency to the petition[1] addressed to your predecessor with reference to the sanction of a £3 Poll-tax hereinbefore referred to, wherein is collected evidence to show how the matter was exhaustively gone into, in 1887, by a Natal Commission, and how it reported against the proposal of compulsory return. But, even if everyone in Natal thought otherwise, your Petitioners venture to trust that Your Excellency will not allow Indian labour to be exploited for the one-sided benefit of Natal.

Your Petitioners, therefore, humbly pray that if the Colony is not prepared to grant the indentured Indians the elementary rights of British citizenship, viz., freedom of settlement in the Colony, Your Excellency will be graciously pleased to advise the Colony to discontinue importing Indian labour.

[1] *Vide* Vol. I, pp. 219-22.

And for this act of justice and mercy, your Petitioners, as in duty bound, shall for ever pray, &c.

From a photostat of a printed copy : S.N. 4031

224. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,
Thursday, February 5, 1903

DEAR CHHAGANLAL,

Though I am at the above-mentioned place, write to me at Durban only.

Received your long letter. Maganlal[1] and Anandlal[2] have opened a shop[3]. So I do not think he[4] will come here. I have written to him to come if he so desires. There are good prospects of employment. If ever I have to stay here, there is a good chance to secure him a job. Even then I have left it to him. He had slight fever on board the ship. But that was not a matter to be communicated to you.

There is a great uncertainty about me. Despite my best efforts, I am not in a position to give you more satisfactory news. If it is not possible to stay on here, I may leave in March. If I have to stay on, it will be possible to bring you all after six months. There is no chance of getting you here immediately; if it does not involve breach of duty, I shall make every possible effort to return home. It's no bed of roses here. I cannot offer more definite news. I shall wire if I am to come. If my staying on is decided upon, even then I shall send a wire if only for the satisfaction of you all.

I do not mind [paying] Manilal's fees, but he must be sent to learn instrumental music. It was not proper to have withdrawn him. The blame is not yours, but your aunt's.

You must have received the books from Mr. Narbheram.

Pay my respects to Mr. Daftari[5] and request him to write to me. When I find time, I shall write him a separate letter.

[1] Addressee's brother
[2] A nephew of Gandhiji
[3] In Tongaat
[4] Maganlal Gandhi
[5] A solicitor who had been working with Gandhiji in Bombay

The sum of Re. 0-8-0 he sent was by way of a formal adjustment. The matter is now over.

Blessings from
MOHANDAS

PS.

You need not be in a hurry to vacate the place.[1]

From the Gujarati original in Gandhiji's hand : C.W. 2938

225. *LETTER TO COLONIAL SECRETARY, TRANSVAAL*

P. O. Box 299,
JOHANNESBURG,
February 18, 1903

TO
THE HONOURABLE COLONIAL SECRETARY
PRETORIA

SIR,

In accordance with the desire expressed by His Excellency the Lieutenant-Governor[2] and yourself, I beg to record the Indian view of the proposed institution of Bazaars in the principal townships of the Colony.

Such an institution would, in my humble opinion, be acceptable to the Indian community provided that:

1. the Bazaar (or Bazaars) is situated within the town limits in a business portion usually frequented by all classes including Europeans;
2. there should be no legal obligation on the part of the Indian community to reside or trade in the Bazaar;
3. in any case, the Indian merchants and traders, at present residing and (or) trading in towns, and those who traded or resided within town limits in any township in the Colony before the war, should not be expected to reside or trade in Bazaars;
4. the Indian community should be allowed to purchase Stands in any such Bazaars subject to the buyer's acceptance of the Building and Sanitary Regulations that may be imposed by the Government.

[1] The reference is to the chambers rented by Gandhiji while he was in Bombay.

[2] Gandhiji had met the Lieut.-Governor.

III-22

If Bazaars are established on the above principle, I venture to think that the Indian community would respectfully co-operate with the Government in making the institutions a success.

The drifting Indian population mentioned by His Excellency would gladly avail itself of cheap and comfortable dwellings that will naturally be erected in any such Bazaars.

If any further information, or my presence, is required, I shall be happy to supply it, or wait on you, as the case may be.

I have the honour to be,
Sir,
Your obedient servant,
M. K. GANDHI

Pretoria Archives : File Lt. G. 94

226. *STATEMENT ON THE INDIAN QUESTION*[1]

Box 299,
JOHANNESBURG,
February 23, 1903

A SHORT STATEMENT OF THE INDIAN QUESTION IN THE TRANSVAAL AND THE ORANGE RIVER COLONIES

Mr. Chamberlain will probably sail for England this week, but the position of the Indians remains unchanged.

A small deputation waited on His Excellency the Lieutenant-Governor of the Transvaal[2] and he said the whole question will be considered *en bloc* when the enlarged Legislative Council was formed. He was very courteous.

Mr. Chamberlain is said to have told an anti-Indian deputation that it was a question which will have to be submitted to the Cabinet at Home when it will be finally decided.

Putting together this reply and His Excellency's reply above quoted, it would appear that Mr. Chamberlain, after consultation with the Home Government, would cable here a scheme of legislation which would be submitted to the Legislative Council. Against such legislation, after it is passed, there would be practically no appeal, if it is found to be against Indian interests.

[1] This was sent to Dadabhai Naoroji, who forwarded it to the Secretary of State for India; a copy sent to Sir William Wedderburn was forwarded by him to the Viceroy of India.

[2] *Vide* the preceding item.

Hence the great need for concentration of efforts upon the proposed legislation in the new Colonies.

What the anti-Indian legislation is has been clearly set forth in the statement[1] placed before Mr. Chamberlain, copies of which have already been forwarded to the friends in England.

From one responsible source comes the information that the Government, being over-anxious to please the Colonists, are going to sell the Indians and propose legislation that would go further than the Cape and Natal, even Australia.

From another equally responsible source comes the information that the legislation will be adopted on the Natal lines of anti-Asiatic legislation.

Mr. Chamberlain said to the Indian deputation somewhat as follows: "What is the use of my passing such legislation now as would be repealed on my granting responsible Government in two or three years? You must, therefore, try to conciliate public opinion and work with the authorities in the Transvaal." He is said to have told the anti-Indian deputation, "Indians are our fellow-subjects, and are entitled to fair and honourable treatment. At the same time, I would be prepared to sympathize with you in your opposition to unrestricted influx of millions from India who may easily swamp you. I would, therefore, recommend restriction on further immigration in undue numbers, but cannot undertake to place disabilities on those that are already settled in the Colony."

If Mr. Chamberlain has spoken to the anti-Indian deputation in the above terms, it is very satisfactory.

Indians cannot swamp the Colony. They would not emigrate in such large numbers. There are not more than 12,000 Indians in the Transvaal as against nearly 100,000 Europeans in Johannesburg alone. But, if the Government wish to give legislative recognition to the fear of swamping, the utmost that we can agree to, if that is to say the Indian voice is to be heard, is legislation on Natal lines with modifications. In Natal, there is legislation of a general character applicable to all whereby intending settlers not formerly domiciled in Natal, unless they are wives or minor children of domiciled men in the Colony, are not allowed to enter the Colony unless they have a knowledge of one of the European languages.

If instead of European languages, "any language used or spoken in His Majesty's Dominions" were inserted, it will then

[1] *Vide* pp. 325-9.

leave room open for the respectable merchants, etc., and yet shut out the illiterate millions. There should also be a clause added that special permission would be granted to those who may be *bona fide* required in the interests of the domiciled community, such as domestic servants, cooks, etc., who are, illiterate but are absolutely required for the old settlers. Moreover, any such legislation should not affect those domiciled in South Africa.

I need not repeat that it is the wretched anti-Indian legislation inherited from the Republics that we are struggling against —not its operation. I, therefore, do not burden these notes with the numerous instances of injustice that are happening daily. To have that alone remedied would be to lop off the branches; we, therefore, ask that the tree itself should be uprooted. For, what is the use of palliatives in the shape of instructions from Home to the effect that the laws, in themselves bad, are not to be enforced strictly?

I hope there would be no acceptance of the principle of Locations as was hinted at in Lord George's remarks to the Deputation. They are not in vogue in the self-governing Colonies of the Cape and Natal. Can they then be in the Crown Colonies of the Transvaal and Orange River?

I hope that the Joint Committee[1] that waited on Lord George will ask for information as to when the legislation is to be passed repealing the old and on what lines. It is very necessary to hasten it. The difficulties the people have to go through are very great owing to the presence of some very unsympathetic officials who are administering Indian affairs. If it takes long, it might be necessary to draw the attention of friends to some very typical cases of hardship. At present, we are trying to get justice locally.

M. K. GANDHI

India Office : Judicial and Public Records, 402

[1] The British Committee and the East India Association had set up a joint body to deal with matters concerning Indians in South Africa.

227. LETTER TO G. K. GOKHALE

Box 299,
JOHANNESBURG,
February 23, 1903

DEAR PROFESSOR GOKHALE,

Events have been progressing very fast in this country and naturally I have been in the thick of the fight. The struggle is far more intense than I expected.

Herewith statement[1] presented to Mr. Chamberlain at Pretoria and a copy of statement[2] up to date sent to London. There is a great deal of underhand work going on. The old laws are being severely enforced. And it probably means my having to stop here longer than March.

I was just in time to join the Durban deputation that waited on Mr. C[3]. I hope you received copies of the D'n[4] statement[5].

I hope you will do what you can there. The matter being constantly and intelligently discussed in the papers would do good. Hoping you are well,

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : S.N. 4100.

[1] *Vide* pp. 325-9.
[2] *Vide* the preceding item.
[3] Chamberlain
[4] Deputation
[5] *Vide* pp. 317-22.

228. STATEMENT ON THE PRESENT POSITION[1]

JOHANNESBURG,
March 16, 1903

A SHORT STATEMENT REGARDING THE INDIAN POSITION IN THE NEW COLONIES

The developments taking place daily are filling the Indian residents with alarm.

THE TRANSVAAL

There is yet no knowing when the promised changes in the existing anti-Indian legislation will be made.

In the meanwhile, the following events have happened.

The store of Hoosen Amod, a merchant of ten years' standing in Wakkerstroom, has been forcibly closed and a trading licence has been refused to him. His is the only Indian store in that town. It has now remained closed for over two months.

Suliman Ismail, who had a licence issued to him last year, has been refused his licence this year, and his store has now remained closed for over a month.

Both the above merchants have a large stock. They have already suffered great loss, and, if they are not allowed to open their stores, it would mean ruin to them.

Transfers of licences from one store to another or from one person to another are being refused. An Indian trades in a place rented by him. The landlord gives notice to quit. The Indian wants to remove to another place. The Licensing Officer would not allow this. The man must either go to a Location or close altogether. Another Indian wants to retire. An old resident of the Colony is prepared to buy the business as a going concern. The licensing officer would not transfer the licence to the buyer. The original owner can, therefore, only sell out by auction. It follows that no new licences are being granted.

The Asiatic Office is a terror to the people. Its business is to invent new engines of torture. Those who want to leave the country with the intention of returning must take out passes on which are to be affixed their photographs. Thus, the Indians are to be treated as criminals. Of course, the idea is to

[1] This appeared in *India*, 17-4-1903, with some verbal variations.

prevent the passes from being unlawfully used. So, the whole community is to be branded for the sake of some who would make a fraudulent use of their passes. The introduction takes no note of the religious objection on the part of the Mahomedans to have themselves photographed at all.

The Chairman of the British Indian Association, managing partner of the premier Indian firm in South Africa, Messrs M. C. Cumroodeen and Co., was ordered last week to get out of a foot-path in Johannesburg. He stood his ground and would not. All the same, he had to suffer much indignity. The matter is now engaging the attention of the Police Commissioner. The thing is that, so long as the foot-path bye-law remains on the statute book, so long must such cases occur.

There is a slight outbreak of plague in Natal. The authorities have made this an excuse for stopping the entry of Indians from that Colony. The result is that even the refugee Indians, those who have to prove their claims here, are shut out, whereas Europeans and Kaffirs are allowed to come in freely. Let it be noted that the plague has attacked all classes.

The above is merely a selection from the long catalogue of Indian grievances. There is no sentiment about them. They are real and substantial. They represent a life-and-death struggle.

And yet when we sank the differences and formed the Volunteer Ambulance Corps at the time of the war, we were "sons of the Empire, after all". Our grievances were one of the causes of the war and made Lord Lansdowne's blood to boil.

Nor is there here a question of future immigrants. It is that of the residents who, Mr. Chamberlain assured the Indian deputation, were "entitled to fair and honourable treatment".

There is no hesitation in saying that, in the darkest days of the community under the old republican regime, it was not subjected to the treatment it is now undergoing. And what is more, then the British Government served as an effective shield against any serious wrong-doing. But, where are we now to find a shield against attacks from the very quarters which erstwhile afforded protection?

Orange River Colony

The old drastic legislation remains in force in this Colony. There is no relaxation. The Government refuse to grant any exemptions and decline to say when the legislation will be modified or repealed. Even the Indians who, before the legislation, traded in the Colony are not allowed to trade there.

Cape Colony: East London

The Indian community there being small has requested the Committee here to help them. The Municipality of the Borough of East London received in 1895, when there was a very small Indian population there, power to pass bye-laws preventing Coloured people from walking on the foot-paths. This law, for the reason above stated, passed unnoticed. Last month, under the power vested in it, the Municipality passed a bye-law, and now the Indian community there finds itself face to face with the humiliation of having to abandon the foot-paths. Registered owners or occupiers of landed property in the Borough of the value of £75-0-0 are exempt from the law. As soon as the Indians heard of the law, they approached the Governor, who says they were too late. What are they to do now? They have addressed another representation to the Governor and cabled to the friends in London. The bye-law has its origin in the alleged or real, impudent and, in some cases, indecent behaviour of the Kaffirs. But, whatever the charges are against the British Indians, no one has ever whispered that the Indians behave otherwise than as decent men. But, as it is the wont in this part of the world, they have been dragged down with the Kaffir without the slightest justification.

Natal

Contrary to expectations, the Natal Bill taxing the children of indentured parents has received the Royal assent.

Note

As regards the Transvaal, it may be mentioned that the community has approached the Governor in the various matters mentioned. H. E. is now considering them.

India Office : Judicial and Public Records, 402

229. LETTER TO "THE VEGETARIAN"

Box 299,
JOHANNESBURG,
[After *March 21, 1903*][1]

THE EDITOR
"THE VEGETARIAN"
[LONDON]

SIR,

Regarding the information wanted by your correspondent "K" in your issue of the 21st ultimo, the following may be of some use to him:

Except mealie meal, which is South African produce, every necessary of life in South Africa is dearer than in England. The cost of fairly decent living for a bachelor may be put down at at least £15 per month. A single bedroom fetches £4 per month easily. A fairly good board would cost nothing less than £12 monthly.

Some vegetarian specialities are imported by a grocer in Natal, but so far as I am aware, no one imports them in the Orange River Colony. Your correspondent will do well to keep a small stock of these with him.

There is a well-managed vegetarian restaurant in Johannesburg, conducted on the principles laid down by Kuhne. I may add that fruit being very plentiful in this country, there is no difficulty about the vegetarian diet.

It may not be superfluous to warn your correspondent against building hopes of prospects in South Africa for earning a living. There is everywhere a great pressure of population. The number of unemployed is very great, business is dull, and people do not know what will happen if the mining labour problem is not solved in the near future.

I am, etc.,
M. K. GANDHI

The Vegetarian, 25-4-1903

[1] From the reference to the issue dated March 21

230. LETTER TO W. WEDDERBURN

BOX 299,
JOHANNESBURG,
March 22, 1903

SIR WILLIAM WEDDERBURN, BARONET, ETC.
CHAIRMAN
I.N.C. COMMITTEE[1]
[LONDON]

SIR,

On behalf of the British Indian Committee, a cablegram[2] expressing respectful sympathy of the community to the late Mr. Caine's[3] family was yesterday sent through you.

In my communication last week,[4] I forgot to mention that the store of Suliman Ismail closed forcibly is situated in Rustenburg in this Colony. The position still remains unchanged. H.E. the Lieut.-Governor has not yet sent a reply to the Committee's representation.

I remain,
Sir,
Yours obediently,
M. K. GANDHI

From a photostat of the office copy : S.N. 2282

[1] The British Committee of the Indian National Congress

[2] This is not available.

[3] W. S. Caine was a leading member of the British Committee of the Indian National Congress.

[4] *Vide* "Statement on the Present Position", pp. 342-4.

231. *NOTES ON THE PRESENT POSITION*

JOHANNESBURG,
March 30, 1903

THE BRITISH INDIANS IN THE TRANSVAAL

The licence to Suliman Ismail at Rustenburg has been granted.

As to the licence to Hoosen Amod at Wakkerstroom, His Excellency the Lieutenant-Governor declines to interfere, as there is a Location there. If this principle were to be established, nearly every Indian storekeeper must become insolvent. But what is more, the Location in Wakkerstroom is not for Indians. A site was certainly fixed by the late Government, but it remains totally unoccupied to the present day. And such as it is, it is situated two miles from the Town. These facts have been placed before H.E. with a prayer for reconsideration.

In Pietersburg (please read the reference to the matter in the Statement submitted to Mr. Chamberlain[1]), some Indians, who did not trade there before War, were last year granted licences to trade in Town. They have imported large stock. Last December the Magistrate gave them notice that, after 31st March, they would not receive licences to trade except in Location. It was brought to Mr. Chamberlain's notice, but the Supervisor of Asiatics said to him that he had seen the Magistrate and that the notice will not be acted upon.

Despite the assurance, the Magistrate insisted on giving the above notice to every Indian who applied for a renewal of his licence. The matter was, therefore, brought to the Supervisor's notice, who repeated what he had said before Mr. Chamberlain, but said he was helpless, as the Assistant Colonial Secretary was against the applicants.

The matter was, thereupon, taken to the Colonial Secretary by Mr. Lunnon, a well-known solicitor of Pretoria, as also by Mr. Gandhi. The Colonial Secretary assured them that, even if the Magistrate made it a condition before granting a quarterly licence that he should give notice as aforesaid, he, the Colonial Secretary, would see that the licences were renewed. The matter there ended for the time being.

[1] *Vide* pp. 325-9.

In February last, the quarterly licences were issued. The Magistrate did not give any notice.

But, on the 23rd March, he served a notice reminding the storekeepers of the December notice above referred to. The Colonial Secretary was approached. The Assistant Colonial Secretary replied that the notice of December must be adhered to. A telegram has, therefore, been sent to the Colonial Secretary, Mr. Davidson, personally, as being the officer who gave the assurance to Messrs Lunnon and Gandhi. The matter has also been brought to the notice of H.E. the Lieutenant-Governor. The quarter ends on Tuesday next. No reply has been received up to the time of writing. It may be mentioned that to Indians only are quarterly licences granted, in itself a great grievance. But these matters dwindle into insignificance before the life-and-death struggle illustrated by the above instances. And all these are merely symptoms of the disease. The anti-Asiatic laws still remain. The Indians are, therefore, absolutely at the mercy of the officers for such relaxation as they may grant in spite of the laws. H.E. has said that the whole question of legislation is to be dealt with when the enlarged Legislative Council is formed.

These notes are sent to friends just to keep them informed of what is going on, not necessarily for immediate action. For, by the time they are in their hands, relief might have been granted by the Government. Yet, they may be helpful for future action to explain cables, if it becomes necessary to send any.

Colonial Office Records : C.O. 291/61

232. LETTER TO DADABHAI NAOROJI

Box 299,
JOHANNESBURG,
March 30, 1903

DEAR SIR,

I have to thank you for your letter. I now enclose a statement[1] up to date just to keep friends informed of the terrible position here.

At the request of the people in East London, I am sending today to Sir William a draft for £20-0-0 in connection with

[1] *Vide* the preceding item.

their matter. The state there is just the same, though I understand that the police, after the representations from the people, are not enforcing the regulation about foot-paths strictly.

I remain,
Yours obediently,
M. K. GANDHI

THE HONOURABLE DADABHAI NAOROJI
[LONDON]

From a photostat of the office copy : S.N. 2256

233. INTERVIEW TO THE PRESS[1]

[Before *April 6, 1903*]

THE INDIAN CASE

The Indians are entitled to equal privileges with Europeans in this British Colony, on the ground, firstly, that they are British subjects, and, secondly, that they are in every way desirable citizens. No matter what part of the world they have gone to, Mr. Gandhi said to the representative of *The Star*, they have proved themselves amenable to control, never interfering with the politics of the country, and besides they are industrious, frugal and sober.

Speaking as to the desirability of according them full citizenship, Mr. Gandhi said he knew that their alleged insanitary habits were put forward as a ground for their exclusion, but he contended that a real study of the situation would disclose the facts that Indians were not so insanitary as to be beyond improvement, and that the authorities were responsible for the insanitation that existed in their abodes and habits. [In] any community which was entirely neglected in that direction, a proportion of it would drift into a condition which would be objectionable.

The strongest point he is urging and devoting his attention to at present is the abolition of what he calls "class legislation", which is reflected in the restrictions imposed by the Supervisor's Office and by the Town Council. To his mind there is absolutely no chance of a great influx of Asiatics into South Africa. Immigration is restricted by the Immigration Restriction Act, which has been rightly enforced in Natal against the Indian. An Act framed on similar lines came into operation in the Cape Colony, and the Delagoa Bay authorities have enforced regulations which are still more severe

[1] Originally this appeared in *The Natal Witness*, extracts from which were reproduced in *The Times of India* under the title "Indians in the Transvaal".

in their application. Under these Acts, an immigrant must prove that he was previously domiciled in the country, or he must be able to read and write one of the European languages before he will be allowed to disembark. The laws in this regard are not solely applied to Indians, and as an enactment is bound to be put on the statute book, Mr. Gandhi has been forced to accept the situation, and he suggests local legislation should be on the lines of the Natal Act, with slight modifications. He will urge the removal of the regulations, which will provide the Locations for Indians and in support of this, he argues that the poorer class of Indians would of their own free will reside in any place set apart for them, while only a few more wealthy and prosperous merchants would live in the town itself. As the Transvaal is a Crown Colony, he is pressing on the Government the desirability of removing the restrictions governing the issue of trading licences to Indians. Natal and Cape Colony are self-governing, and can make their own laws affecting internal affairs, but the Imperial Government, he contends, must apply its general policy of freedom in trade and action to the subjects of the Crown in the Transvaal.

The Times of India, 6-4-1903

234. *NOTES ON THE PRESENT POSITION*[1]

JOHANNESBURG,
April 12, 1903

The present position regarding British Indians in the Transvaal is as follows.

The foot-path grievance in Standerton has been temporarily removed, the Government having instructed the Commandant not to enforce the bye-law against well-dressed and well-behaved Asiatics.

The enclosed Government Notice shows the position regarding licences. It has filled the community with alarm because:

(1) it seems to shelve indefinitely the question of repealing the anti-Indian legislation of the old Government;

(2) it leaves in suspense the Indian traders who were not trading on the outbreak of war, but who were granted licences last year, licences which Mr. Chamberlain said could not be touched;

[1] This appeared in *India* under the title "British Indians in South Africa" as "From a Correspondent".

(3) while pretending to respect the vested interests of those who were trading on the outbreak of war, it deals a death-blow to them in that it prohibits transfers of licences from one place to another, and thus leaves the storekeepers to the mercy of their landlords, and from one person to another, and thus prevents the storekeepers from ultimately realizing profits by selling their business as going concerns;

(4) it casts a slur on the whole race in that it impliedly assumes every Indian to be unfit to reside in civilized townships, unless he proves the contrary.

These points have, after the publication of the Notice, been urged on the attention of His Excellency the Lieutenant-Governor, and a reply is awaited.

With regard to Pietersburg, the Government have, after much difficulty, given a general decision:

(i) that all existing Indian licences will be provisionally renewed for the current quarter;

(ii) that no new licences will be granted to the Indians, whether they traded before the war or not;

(iii) that existing licences will not be transferred to other premises or other names, pending consideration of the whole question.

Thus, there is again another period of suspense and anxiety. The existing licences may or may not be renewed after the expiry of the current quarter. Mr. Chamberlain has definitely assured us that vested rights will not be touched. The outcome of the decision embodied in the last two statements above is that, if a landlord gives notice to quit, the storekeeper must necessarily close his business, and since his licence cannot be transferred to another person, he cannot sell it as a going concern. The District Commandant has issued the following notice to the Indian community there:

> All coolies, being holders of licences, can obtain permits to walk on the foot-path in the town of Standerton, by applying to the police office. Any coolie or other coloured person found walking on the foot-paths in Standerton, not being in possession of a permit after April 1, will be prosecuted according to law.

Mark the contempt and utter disregard of the Indian feeling that are implied in the application of the term "coolie" to all Indians. During the Boer regime, Indians were not at all interfered with while walking on the foot-paths, much less were they required to carry permits of exemption. When such an attempt

was made to enforce the bye-law, the British Government promptly intervened and stopped it. A protest against the above notice has been sent to the Government.

There are isolated cases of the bubonic plague in Durban and Maritzburg, in Natal. Kaffirs are the most largely attacked. They and the Europeans, who are also attacked, are allowed to enter the Transvaal from Natal, free of any restrictions. But the Indian immigration from Natal, not merely the infected towns, is totally prohibited. The Indian refugees, too, are not allowed to enter the Colony from Natal.

Indians here are, according to Mr. Chamberlain's advice, patiently trying to get redress from the local authorities. And it is but fair to mention that H.E. the Lieutenant-Governor is inclined to hold the scales even between the conflicting interests.

As to East London (Cape Colony), the foot-path grievance still remains without redress. H.E. the Governor has not yet replied to the last communication. The bye-law is not being enforced rigorously.

[ENCLOSURE]

GOVERNMENT NOTICE

No. 356 of 1903

It is hereby notified for general information that His Excellency the Lieutenant-Governor, in Executive Council, has decided that in the disposal of applications made by Asiatics for licences to trade, the provisions of Law No. 3 of 1885, as amended by Executive Council Resolution, Article 164, of the 12th August, 1886, which was adopted by the Volksraad on the 12th August, 1886, by Resolution, Article 1419, shall be enforced, with due regard to the vested interests of those Asiatics who were trading outside Bazaars at the commencement of the late hostilities, and has resolved accordingly:

1. That the Government take immediate steps to have Bazaars in every town set apart in which alone Asiatics may reside and trade; the Colonial Secretary shall be charged with the duty of defining such Asiatic Bazaars in consultation with the Resident Magistrate, or where such exists in the Town Council or Health Board.

2. No new licences to trade shall be granted to any Asiatic except to carry on his business in Bazaars set apart for the purpose.

3. In the case of Asiatic traders who held licences at the commencement of the late hostilities to trade in places not specially set apart by Government, licences may be renewed to trade under the same conditions

during the residence in this Colony of the licensee, provided that such licences shall not be transferable and that, no licensee shall be entitled to hold more licences in any one town than were held by him at the commencement of hostilities.

With regard to the residence of Asiatics, which by the Law abovementioned is confined to those streets, wards and locations which may be set apart for the purpose, His Excellency has decided that an exception shall be made in favour of those whose intellectual attainments or social qualities and habits of life appear to entitle them to it, and has accordingly resolved that any Asiatic who shall prove to the satisfaction of the Colonial Secretary that he holds any higher educational certificate from the Education Department in this or any other British Colony or Dependency, or that he is able and willing to adopt a mode of living not repugnant to European ideas, nor in conflict with sanitary laws, may apply to the Colonial Secretary for a letter of exemption which shall enable him to reside elsewhere than in a place specially set apart for Asiatics.

W. H. MOOR
(Assistant Colonial Secretary)

Colonial Secretary's Office
Pretoria, April 8, 1903

India, 15-5-1903

235. LETTER TO COLONIAL SECRETARY, TRANSVAAL

Box 6522,
JOHANNESBURG,
April 25, 1903

TO
THE HONOURABLE THE COLONIAL SECRETARY
PRETORIA

SIR,

I venture to bring to your notice the following translated extract from a letter addressed to the British Indian Association by the Indian residents of Heidelberg, and dated the 23rd instant.

> This morning, at 5.30, the police constables surrounded every store, opened the doors and entered in and woke up all the people sleeping in the rooms, and struck terror into the people by shouting 'Come out, come out.' They did not allow them to wash their hands

and faces, or to take tea or other tiffin. Many opened their shops at 6 o'clock, thinking that two or three might remain in the shops, while the others accompanied the police. But the masters were taken beforehand. On the men declining to close the shops, the police closed the doors themselves, drew the men out, handed the keys to them, and marched them out. Thus, every man was arrested as if he was a criminal. The only difference was that we were not handcuffed.

Thus were all the people brought to the Charge Office at 8 a.m. and kept under custody. Each man was separately taken into the office room, asked to produce his permit or proof of his former domicile, and new permits were issued to those who could establish their claim. Then each was dismissed through the front door. Even these were at first detained after the permits were issued, but when we protested, they were allowed to go. Those that were thus freed were not allowed to hold any conversation with those that were detained, so the men who have been kept under custody since morning, hungry and thirsty as they are, had not been discharged up to 12.30 p.m. This letter is being written at 12.30 p.m. Still there are some merchants under custody. The spectacle of respectable Indian storekeepers being arrested early in the morning and marched through the streets has become the topic of general conversation in the town.

Thus, the police rudely and without permission entered all the rooms and did not quite mind our warning that some of the rooms contained Zanana ladies. When asked by what order we were being arrested, the reply was 'By order of the captain; we are going to take every one except women and children, and if you do not come willingly, we will force you.' The written order was asked for. They declined.

Such is the account of the police proceedings in Heidelberg. I may state that a similar occurrence happened in Johannesburg. The matter was brought to Captain Fowle's notice, and it was thought that the procedure would not be repeated. It was, however, repeated in Potchefstroom. It was still allowed to slide down. But it has now become impossible for my committee to remain silent.

In the darkest days of our time under the old regime, we were not subjected to such physical ill-treatment. The community has, so far as my committee is aware, committed no crime, and yet it has not only to face popular prejudice and its effects, but has now to face ill-treatment from those who are expected to protect us.

My committee humbly request an enquiry and an expression of opinion from the Government as to the proceedings of the police above referred to.

I have the honour to remain,
Sir,
Your obedient servant,
ABDOOL GANI,
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

The Rand Daily Mail, 28-4-1903

236. LETTER TO "THE RAND DAILY MAIL"

Box 6522,
JOHANNESBURG,
April 27, 1903

TO
THE EDITOR
"THE RAND DAILY MAIL"
JOHANNESBURG

SIR,

I beg to enclose herewith a copy of a letter[1] addressed to the Government for publication. The letter refers to the treatment by the police at Heidelberg of the British Indian residents there. Comment on the letter is superfluous. Whatever may be the policy of your paper on the question of the status of the British Indians in the Colony, I venture to trust that you will be able to sympathize with my countrymen in the physical ill-treatment alluded to in the letter. If there is one thing that is dearly cherished by the British Constitution, it is the respect for personal liberty of the meanest of the King's subjects, whether white or black. This evidently is at stake in the Colony, as far as the British Indians are concerned.

I have the honour to remain,
Sir,
Your obedient servant,
ABDOOL GANI,
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

The Rand Daily Mail, 28-4-1903

[1] *Vide* the preceding item.

237. LETTER TO P. S. TO LIEUT.-GOVERNOR[1]

Box 6522,
JOHANNESBURG,
May 1, 1903

TO
THE PRIVATE SECRETARY
TO HIS EXCELLENCY THE LIEUTENANT-GOVERNOR
PRETORIA

SIR,

Mr. William Hosken and other leading residents of Johannesburg, whose names appear at the foot of the enclosed petition[2] addressed to His Excellency, have entrusted the Association with the task of submitting same to His Excellency, which, on behalf of the Association, I do hereby.

In doing so, I may state that the petition owes its origin to the request of the Association to the gentlemen in question to put their views before the Government regarding the notice No. 356 of 1903 and to express their opinion generally regarding the Indian question. This they have gladly done.

I may be permitted to mention that, with very few exceptions, all the Europeans with whom we have come in contact have expressed sentiments similar to those of the petitioners. A few have approved of the notice in ignorance of the state of the law which it is intended to enforce, as also owing to misunderstanding as to the real scope of its meaning.

As to the subject matter of the petition, my committee would be prepared to agree to the principle of the legislation, submitted as model by the petitioners, with slight modifications. It would generally meet the object sought to be served by the notice in question and cannot fail to regulate the granting of licences to the satisfaction of the most vehement opponent of the British Indian, in that, subject to the control, in extreme cases, of the Supreme Court, the popularly elected bodies would regulate the granting of new licences and would, at the same time,

[1] Gandhiji sent a copy of this letter to Dadabhai Naoroji to be forwarded to the Secretary of State for India.

[2] *Vide* the enclosure.

remove from the statute book the existing legislation which puts an unnecessary affront on His Majesty's loyal Indian subjects. The proposed legislation would moreover regulate the future immigration which the notice does not do.

In talking to the European gentlemen, my committee has also found that their opposition is not so much against the Indians as against the Chinese. To quote one glaring instance, when the statement dealing with Asiatics, made in the pamphlet published by the Johannesburg branch of the South Africa League, was brought to the notice of the executive of the League, they admitted at once that the use of the term Asiatic was an error. Their objection was entirely against the Chinese and not at all against the British Indians.

I have the honour to remain,
Sir,
Your obedient servant,
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

India Office : Judicial and Public Records, 402

[ENCLOSURE]

The following is the text of the petition signed by W. M. Hosken and others, referred to in the above memorial of the British Indian Association:

TO
HIS EXCELLENCY THE LIEUTENANT-GOVERNOR OF THE TRANSVAAL
PRETORIA

THE PETITION OF THE UNDERSIGNED, RESIDING IN THE COLONY OF THE TRANSVAAL

HUMBLY SHEWETH—

Your petitioners have read the Government Notice recently published in the papers regarding the Asiatics, and would venture respectfully to express their opinion on the question as follows:

1. Your petitioners regard it as necessary that the immigration of Asiatics into the Colony should be regulated by law, and would, therefore, suggest that in the place of the existing anti-Asiatic legislation, the Natal Act or the Cape Act may be copied with advantage. It would do away with race or colour question, while setting at rest any fear of an influx of undesirable people of any nationality.

2. But the notice in question, if it is meant to be permanent, appears to your petitioners to be in conflict with the declarations before the

war of. Her late Majesty's Government, in that they were then opposed to the anti-Asiatic laws of the late Republic so far as British Indians were concerned, and protested against their enforcement.

3. While, as stated above, your petitioners would object to an unrestricted influx into the Colony of the Indian population, in their humble opinion the present population is entitled to fair and honourable treatment.

4. The refusal to transfer existing licences from one person to another or from one place to another would be tantamount to requiring the present holders to close their businesses sooner or later, and then at a heavy loss.

5. The notice in question is not clear whether all existing licences will be renewed from time to time. It would be unjust to withhold licences to trade outside Bazaars from those Indians who obtained them last year from British officers.

6. In your petitioners' humble opinion the best solution of the intricate question will be in Town Councils or Health Boards being granted powers, as in Natal, to refuse or grant licences to new applicants, subject to safeguards against abuse thereof in the shape of the right, to the aggrieved party, of appealing to the Supreme Court against their decisions. The renewals of existing licences, too, should be subject to the sanitary report from year to year.

7. In your petitioners' humble opinion the British Indians resident in the colony are an orderly, law-abiding and useful section of the community, and are quite equal in honesty and sobriety to others who are not British subjects, and yet enjoy full trading and other rights.

8. It is evident that the Indian supplies a felt want, because the general public support him.

Your petitioners, therefore, pray that the notice in question will be reconsidered in view of the points herein submitted, or such other relief will be granted to His Majesty's Indian subjects as may seem meet.

And for this act of justice and mercy, your petitioners as in duty bound shall for ever pray, etc., etc.

Johannesburg, April, 1903

W. M. Hosken, L. W. Ritch

India, 25-9-1903

238. CABLE TO "INDIA"[1]

JOHANNESBURG,
May 9, [1903]

A FUBLIC MEETING OF INDIANS FROM ALL PARTS OF THE TRANSVAAL WAS HELD ON THE 6TH INSTANT, AT WHICH A RESOLUTION WAS UNANIMOUSLY PASSED, PROTESTING AGAINST THE ENFORCEMENT OF THE ANTI-INDIAN LAWS OF THE LATE REPUBLIC, RESTRICTING INDIANS TO BAZAARS, ETC., ON THE GROUND THAT SUCH ENFORCEMENT CONSTITUTES A DEPARTURE FROM THE DECLARATIONS MADE BY THE GOVERNMENT ON AND AFTER THE OUTBREAK OF THE WAR, AND THAT THE LAWS ARE CONTRARY TO THE PROCLAMATION OF 1857[2], AND TO BRITISH POLICY, EVEN IN SELF-GOVERNING COLONIES THE RESOLUTION CONCLUDED BY PRAYING FOR THE REPEAL OF THE LAWS IN FAVOUR OF LAWS IN HARMONY WITH BRITISH TRADITIONS.

India, 15-5-1903

239. NOTES ON THE PRESENT POSITION

P.O. Box 6522,
JOHANNESBURG,
May 9, 1903

THE POSITION UP TO DATE

The Notice 356[3] is still in force. The enclosures are all most important.

The complaint about the police proceedings in Heidelberg[4] (enclosure 1) shows the great patience of the community. The tyrannical proceedings in Johannesburg and Heidelberg were,

[1] This appeared as "By an Indian Correspondent".
[2] This is evidently a slip; the Proclamation was issued in 1858.
[3] *Vide* enclosure to "British Indians in South Africa", pp. 352-3.
[4] *Vide* "Letter to Colonial Secretary, Transvaal", pp. 353-5.

deliberately and in spite of the protest of the sufferers, allowed to pass by in the hope that such exemplary patience would create a favourable impression on the minds of the officers immediately concerned. Evidently, the silence was misunderstood. It, therefore, became imperative to treat the Heidelberg incident more seriously. The Government are now making [an] inquiry and the result is anxiously awaited.

The enclosure No. 2[1] shows that the most respectable members of the European community are not unwilling to see justice done to the Indians. Mr. William Hosken, who is the first signatory to the petition, is one of the most prominent leaders in the Transvaal. He was a delegate of the recent Bloemfontein Conference and is a nominated unofficial member of the new Legislative Council. The signatories are all merchants of the highest standing. The petition is now in the hands of His Excellency the Lieutenant-Governor.

The enclosures 3 and 4[2] show the intensity of the feelings of the Indian community. The great hall was crowded in every part. What we feel most is, not inconvenience due to the prejudice, but the utter degradation involved in Indians, as a class, being forced to the Locations or Bazaars. The existing law applies to Indians as such, a principle which Mr. Chamberlain has more than once set his face against.

Legislation on the Natal lines will be acceptable on the following conditions: (1) The educational test must include a knowledge of any of the Indian languages. Even this test would exclude millions of Indians, and it is the millions which are a bugbear to the Europeans. And the power should be reserved for the Government to allow special permission to those Indians who, though devoid of a knowledge of languages, are specially required for the benefit of the domiciled Indians.

(2) As to the traders' licences, the existing ones should not be touched, but new applications, whether of Europeans or Indians, should be dealt with by the Local Boards, provided that the Supreme Court should have the power to revise their decisions in cases of gross injustice. Such legislation takes note of every reasonable objection that could be advanced against Indian settlers.

[1] *Vide* enclosure to "Letter to P.S. to Lieut.-Governor", pp. 356-8.

[2] The reference is to the newspaper reports of the meeting, which are not reproduced here.

EAST LONDON

The foot-path bye-law is, evidently, now in working order. An Indian cleanly dressed has been fined £2 for walking on the foot-paths. A cablegram has been sent to the British Committee and Sir Mancherji regarding the prosecution by the East London Indian Association.

India Office : Judicial and Public Records, 402

240. *LETTER TO DADABHAI NAOROJI*

COURT CHAMBERS, RISSIK ST.,
P.O. Box 6522,
JOHANNESBURG,
May 10, 1903

DEAR SIR,

I am muc[illegible] [illegible]oliged to you for your letter of the 16th April last.

Lord Georg[illegible]'s reply is satisfactory so far as it goes. But the greater the delay in passing the desired legislation, the greater will be the difficulty. We here absolutely subscribe to the statement that an undue influx of cheap labour should be restricted. Nor do Indian labourers enter the Colony in large numbers. But, as you will see from the most important papers[1] I am enclosing herewith, in order to show our *bona fides*, we are prepared to accept legislation on the Natal basis with the very reasonable modifications suggested in the enclosed. As to Bazaars, not an Indian has accepted the principle of compulsory removal to Bazaars, but we are ready to co-operate with the Government in making the Bazaar system a success, if it is applied to new applicants. The real point is there should be no legislation to that effect compelling Indians as such to submit to the institution of Bazaars. I may add that Bazaars as understood here are merely an euphemism for Locations. I enclose herewith a letter that was addressed by me to the Government on the question and also the letter sent to them enclosing the petition from Europeans of the Transvaal sent herewith.

[1] The papers enclosed were: "Letter to Colonial Secretary, Transvaal", pp. 353-5, "Letter to P.S. to Lieut.-Governor", pp. 356-7, "Notes on the Present Position", pp. 359-61, and Petition to the Lieut.-Governor from W. M. Hosken and L. W. Ritch, pp. 357-8.

I know I am loading you with papers and documents in the midst of your other work. The great importance of the question is my only excuse

I am,
Yours truly,
M. K. GANDHI

THE HONOURABLE DADABHAI NAOROJI
LONDON

India Office : Judicial and Public Records, 402

241. LETTER TO G. K. GOKHALE

COURT CHAMBERS, RISSIK ST.,
P.O. BOX 6522,
JOHANNESBURG,
May 10, 1903

DEAR PROFESSOR GOKHALE,

I have settled here under very great difficulties. The question has assumed a very serious aspect and requires very close attention. How long I will have to stop, it is difficult to say. I have hardly time to write about myself.

The enclosed cuttings are most important. I notice that the Bombay Chamber of Commerce has sent a strong protest. But it is, I fear, uninformed. The Cape Act is certainly bad. It requires amending. But it is well nigh impossible to have an absolutely open door. Under it many white aliens have been turned away. It seems to be the settled policy of the Colonists that they would regulate immigration into their country. The real and effective stand we have therefore to take up is to fight legislation based on colour. The Cape and Natal Acts are general in terms. They hit us hard because the education test does not include a knowledge of the Indian languages. The Cape Act was drafted so as to include Indian languages but it was amended in Committee. The legislation *here* is against Indians (described as the "aboriginal races of Asia") as such and deprives them of the right of owning property, etc. You will find the full text of these laws in the papers sent before.

If your health is good and if time permits it, please study the question and direct the movement in India against it. The more I observe the effect of emigration of our people on their character,

the more convinced I become that, if an open door is kept for us to migrate to the Colonies even tho' under restrictions of a general character applicable to all, there are great possibilities for us..

I remain,
Yours truly,
M. K. GANDHI

From a photostat of the original : G.N. 4101

242. *NOTES ON THE PRESENT POSITION*

Box 6522,
JOHANNESBURG,
May 16, 1903

IN THE TRANSVAAL

Hardly has the ink dried on the pen when information is officially received that it is the intention of the Government to enforce the £3 registration tax in ~~terms of~~ Law 3 of 1885. The information received from friends in London goes to show that the Law is to be altered. If so, it is difficult to imagine why it is now proposed to collect the registration tax of £3. It was never compulsorily collected during the Boer rule.

It is inconceivable why the very tax from which we were protected by the British Government should now be collected in its name. And there is not even the excuse of popular prejudice in favour of the tax. The agitation from the Europeans is against trading licences. No one at any of the anti-Asiatic meetings has ever whispered a word as to the collection of the tax.

We have sent a respectful protest to His Excellency the Lieutenant-Governor and it is unlikely that the collection of the tax would be suspended before this reaches London. But the situation has become so critical that it has been thought advisable to pass on to London any developments in the position.

India Office : Judicial and Public Records, 402

243. INTERVIEW WITH GOVERNOR OF TRANSVAAL[1]

May 22, 1903

His Excellency Lord Milner has forwarded to the Press the following account of his interview with the deputation of the British Indian Association on the 22nd ultimo.

Present: His Excellency the Governor of the Transvaal, and Messrs M. K. Gandhi, Abdul Gani, Haji Habib, H. O. Ally, S. V. Thomas, and Imam Shekh Ahmed.

Mr. M. K. Gandhi said that, on behalf of the deputation, he wished to thank His Excellency for receiving them. They wished to discuss the £3 tax and the general question. When they read His Excellency's address to the Municipal Congress, they felt obliged for the sentiments which he had expressed, and thought that they saw the end of their troubles. But the following morning they received a letter from His Excellency the Lieut.-Governor of the Transvaal, from which it appeared that the Government were going to enforce Law No. 3 of 1885, and that it would not be altered at all. It was quite true that this tax had been paid by some of the Asiatics to the old Government. Indeed, they could not get a licence to trade unless they had previously paid this tax. But it was never regularly enforced. In 1885, when this law was passed, complaints from British Indians poured in, and there was a good deal of correspondence with the Colonial Office on the subject of the right of the Boers to impose this tax, and to pass the law. Finally, the late Government agreed to arbitration. But the decision[2] went against the British Indians. However, Mr. Chamberlain said that he reserved to himself the right to make friendly representations to the Transvaal Government. Mr. Chamberlain also told them that he heartily sympathized with the British Indians. In the end, the law was never wholly enforced. In 1899, when an attempt was made to enforce the Location Law, a deputation waited upon Sir Conyngham-Greene and Mr. Emrys Evans. The latter afterwards saw Dr. Krause, who was then the Public Prosecutor, who assured him that he had received no instructions to prosecute in cases where the people refused to go into Locations. But now the position was absolutely changed, and they were to be compelled to pay the tax and to go to Bazaars. He ventured to submit that the tax would be a grievous burden to the

[1] This appeared under the title "The British Indian Association and Lord Milner"

[2] *Vide* Vol. I, pp. 197-8 and 202-3.

Indian community. Large numbers of Indians were employed as house-boys, domestic servants and waiters, and their wages were about £3 per month. Thus, they would have to pay one-twelfth of their wages by way of a tax. It was also a kind of a penal measure, for, if they did not pay, that law provided that a fine of from £10 to £100 could be imposed or, in default, fourteen days' to six months' imprisonment.

HIS EXCELLENCY: Is this an annual tax?

Mr. Gandhi said it was not, and had only to be paid once. It was intended to act as a deterrent to Indian immigration. That such payment should now be enforced against those already in the country came as a great surprise to them.

As to passes, Mr. Gandhi said that originally, after refugees were permitted to return to the Transvaal, permits held by Indians were taken away from them by the Asiatic Office, and temporary passes were granted. Passes were further necessary if an Indian wanted to visit a friend in another part of South Africa. These passes were made out for as many days as the issuing officer chose. There was, besides, a vast amount of unnecessary trouble. Later on, these passes were again exchanged for permits, and instead of a notice being put in the papers to this effect, Indians were brought to the office simply to be told about it. In one case, some Indians were dragged out of their homes at four o'clock in the morning, and kept waiting at the office till 9.30, simply to be told that their passes were no longer of any use, and had to be changed for permits. The community needed rest from these constant changes of passes and permits.

That was their position, and they had come to His Excellency to pray for relief, both as regards the present permit system and the £3 tax. This law was most painful to them—all the more so, as the enforcing of it now showed the intention of the Government to perpetuate it. It had been publicly declared that the refusal of the late Government to repeal that law was one of the causes of the war. But what did they find? That the new Government was going to enforce Law No. 3 of 1885 as it had never been enforced by the late Government. That being so, it followed that they would never be allowed to hold property in the Transvaal, except in Bazaars and Locations. He respectfully submitted that that was quite contrary to the principles of the British Constitution, and that it was not in vogue in any other British Colony. Now, a new Crown Colony was leading the way in this direction. In this connection, he would like to mention another difficulty. The sites where stood the Mosques in Pretoria and Johannesburg had been purchased many years ago, but owing to this law, they could not be transferred to them. And there was the same difficulty regarding the Mosque at Heidelberg. Lord Roberts, when approached, pointed out that military law was still in force, but added that he hoped that, as soon as the civil administration was established, all British subjects

would be treated alike. Yet this very law was being enforced against them by the present Government.

Then there was the trouble about photographs on visiting passes. If an Indian wished to visit friends in another Colony, he had to send three photographs to the Asiatic Office before he could get a pass to leave the Colony and return. Such a course might be necessary to prevent fraudulent use of such permits, but he ventured to submit that it was not fair to assume that, because some Indians might make fraudulent use of a permit, all Indians were criminally inclined. Those who were should surely be caught and severely punished. They had frequently protested against this and the way the Asiatic Office was carried on. The officer there was reported to have said, in the course of an interview which appeared in the *Star*, that it was intended to advance the views of the White League and not to watch over the interests of Asiatics.

When Mr. Chamberlain was here, he received a Deputation of British Indians, and he told them that they should make it their duty to agree with the sentiments of the European population, so long as these sentiments did not interfere with their rights. They had taken that advice to heart, but now the White League demanded that they should be sent out of the country altogether. He could assure His Excellency that they had all been trying to follow the advice of Mr. Chamberlain, in so far as it was consistent with their self-respect, He did not think he need add anything more than to remind His Excellency that Mr. Chamberlain had said that those Indians already in the country would receive fair and honourable treatment, and that was what they now asked for.

H. O. Ally complained that they were not allowed to trade where they liked, and that they could not get transfers of licences.

Imam Shekh Ahmed stated that, some months ago, he applied for a permit for a Mohammedan priest, but it was refused point-blank. Surely no country could refuse to allow a priest to enter it for the purpose of ministering to a section of the inhabitants of that country. He had always found that great difficulties were put in their way when they went to any of the Government offices to see the officials. He could never, for instance, get in to see the Colonial Secretary.

HIS EXCELLENCY: I think what has just been said is rather an illustration of the necessity of having an Asiatic Department. It is quite possible that the present Asiatic Office, which is a new institution, may not work very well. But my idea is that it would be an immense advantage for the Asiatics in this country if they had a special member of the Government to whom they could go about their affairs, instead of having to compete with so many other bodies for the attention of a very much over-worked office like that of the Colonial Secretary. I admit that this

special officer should not regard himself as a man merely to enforce the law with regard to Asiatics, but as a man to look after their interests, and by whom they should be well received when they have any complaint to make. I think such an Asiatic Department is very desirable, and its establishment is in your own interest. The discussion today has turned largely upon the £3 tax. It seems to be rather a small point among many big ones. The only reason for pressing for the £3 tax, which, I may tell you, I consider a very fair one in any case, is that it is part of the existing law. We are enforcing the laws as we find them. But I may say at once that we do not consider Law No. 3 of 1885 a perfect one at all. I have always maintained that it was necessary to deal with the position of Asiatics in this country by special law, but the law, under which I think they should be dealt with, would be materially different from Law No. 3 of 1885. I do not know that we should altogether agree as to what the provisions of such special law should be, but while I should not agree with you in all respects, neither should I agree with much I hear said, and with what I read in the newspapers with regard to the treatment of Asiatics.

I think we have a perfect right to restrict Asiatic immigration, and any other immigration for that matter, for the general good of the community,—that is a right inherent in every State which cannot for a moment be disputed—but I think that those Asiatics who are already here, and whom we may hereafter admit, should be well treated and feel that their rights are guaranteed. I hoped that ere now a new law of a permanent character would have been passed, so that a British Indian, or anyone else, could say to himself: "I know that, if I go to the Transvaal, I must abide by certain conditions, and, that being done, I shall be all right," while those already in the country would be protected in their acquired rights. But, unfortunately, delays have occurred, and you see for yourselves what the difficulties are in passing a law dealing with this matter. I have a great faith in the effect of time, discussion and consideration to bring conflicting views closer together. But at present, such a law as I should propose might not have the consent of the Government of Great Britain, and might cause protest from the Government of India: and, on the other hand, any law, which the Home Government suggested to us, might not meet with public assent here, and, even if passed, might make your position worse by stimulating the opposition to you, and would then, on the establishment of self-government, almost certainly be repealed at once. It is no use trying to force the position here against the overwhelming body of white opinion. I think a reasonable law is possible—not a law which will give you all you want, but one which will give you a great deal; not a law which will altogether please the "White League", but one which will do much to conciliate the reasonable members of the white population. Meanwhile, the Government of the Transvaal has been

repeatedly called upon to enforce the law that exists, and it cannot do otherwise while it remains on the statute-book. You make a point of the fact that this law was not enforced by the old Government. That is what I object to about the system of the late Government of the Transvaal—it was so arbitrary. The law was enforced and it was not enforced. But all the time it was hanging over your heads, and you never knew what was going to happen to you. Some were made to pay the tax and some were not. While the tax is on the statute-book, I say that it must be paid by all alike.

It has been said that my sentiments differ from those of the Lieut.-Governor. I do not think there is any inconsistency. I adhere to the sentiments which I expressed the other day, and to which you have referred. But I also adhere to this, that you must make the best of existing conditions and submit to the existing law until it is altered. I do not think it is being carried out harshly. The present Government is showing a reasonable regard for the position of Indians already here. I think that registration is a protection to them. To that registration there is attached a £3 tax. It is only asked for once. Those who have paid it to the old Government have only to prove that they have done so, and they have not to pay it again. Again, once on the Register, their position is established and no further registration is necessary, nor is a fresh permit required. That registration gives you a right to be here, and a right to come and go. Therefore, to me, registration seems a protection to you, as well as a help to the Government, and in any law that is passed, I should like to see registration included.

As to Bazaars, continued His Excellency, would it not be better for the Indians to accept Bazaars, provided that they are good Bazaars, in reasonable localities and properly organized? I must say that I think once they are properly established, it would be a distinct advantage to the Indian community to occupy them, instead of causing general opposition to themselves by settling down here, there, and everywhere among people who do not want them. It would not be just to force into Bazaars those Indians who have already established themselves elsewhere, or Indians of a superior class. If some gentlemen of the "White League" would like to see all Indians, irrespective of their social position and irrespective of their acquired rights, compelled to migrate to Bazaars, I say I do not agree with them. But, rightly or wrongly, and for my own part, I think not unreasonably, the white population resent and will resist any large and indiscriminate influx of Asiatics into their own midst.

I have made a note of some of the points you have raised about photographs, about the difficulty of getting the title to mosques registered in your own names, and about passes. All these matters I will enquire into. I do not myself suppose that the difficulty about the registration of the title

to the mosques is anything more than a technical legal difficulty. Whenever there is legislation on the subject, I have no doubt that we shall provide that places of worship may be registered in the names of those who use them. I think it is a very hard thing that they should not be allowed to hold them in their own names. Generally speaking, I am opposed to everything that would tend to make the life of Asiatics uncomfortable, to make them feel themselves slighted, or to subject them to any restrictions except those absolutely necessary in the interests of the whole community, such as the restriction on immigration and regulations as to the place of residence of those who do not belong to what you may term the superior class, and who have not lawfully established themselves already.

You say that we have not recognized all acquired rights. That is because a number of people have come into the Transvaal since the war without proper authority. We have recognized the rights of the Indians who were here before the war, and who held licences before the war. We allow them to renew their licences for the premises they had prior to the war or to transfer them to other premises.

M. K. GANDHI: Those who have got new licences were refugees who had traded in other parts of the Colony. They have now built new homes and shops for themselves, and will have to leave them at the end of the year, when their licences expire, because they may not renew them.

HIS EXCELLENCY: Those original licences were for wholly different localities. At present, if an Indian had a licence for one street in Johannesburg before the war, he can either renew the licence for that shop or go to another, still in Johannesburg.

M. K. GANDHI: My point is this: some Indians had trading licences for the other parts of the Transvaal before the war. They went away as refugees, and now have come back to different localities and have obtained fresh licences. But now they are told that they cannot renew those licences at the end of the year, because they were not licensed in those districts before the war.

HIS EXCELLENCY: That is a new point. What I was thinking of was the case of people who were trading in any particular town before the war, but now desired to trade in another shop in the same town.

H. O. ALLY: This is the point. Assume that I was trading in Commissioner Street, Johannesburg, before the war, and now desired trade in Heidelberg instead. That I am not permitted to do, because I had not had a licence to trade in Heidelberg prior to the war.

HIS EXCELLENCY: That is quite a new point. I cannot express an opinion without further considering it.

III-24

H. O. ALLY: This agitation against us is largely due to trade jealousy.

HIS EXCELLENCY: I think there is a great deal of trade jealousy. That is quite natural. There are a limited number of white people living here amongst a very large black population, and there are only certain employments open to them. Naturally, they do not want a large influx of strangers to come and take the bread out of their mouths. They are perfectly right in asking that we should control immigration. If there is at present a living here for, say, 100,000 people, we do not want 200,000 to rush in and swamp us. Our numbers are too small to allow of uncontrolled immigration, especially of a different race, when we have already so many racial problems.

HAJI HABIB: And yet many white people are making their bread by trade with the Indians in India. But with regard to the Bazaars, how can they put up what are required? Today there might be a demand for 30, and tomorrow 300 might be wanted. The point about Bazaars is that we do not want any law forcing us to go into Bazaars.

HIS EXCELLENCY: I do not want to force those present to go into Bazaars, but I think that we have the right to say that we will not have more than a reasonable number of Asiatic traders here, and that, if they come, they must do so under certain restrictions.

M. K. GANDHI: A proposal was made to H.E. the Lieut.-Governor the other day. We asked to have the sites, which had been acquired for the purpose of Bazaars, pointed out to us, and suggested that anyone desiring to obtain a new licence should be asked if he would take one out for a shop on that site, but that it should not be made compulsory that we should go and trade at that place. Then the thing becomes offensive to us. If there was a Bazaar, the poorer class of Indians would naturally go there. At present most of that class are in the Locations. They have naturally gravitated there.

HIS EXCELLENCY: What you say must be considered in dealing with new legislation. But my point for the moment is this, that, while the present system continues, the Government is quite right in saying that the law must be observed. Needless to say, the Government has no prejudice against you, though it may feel that the influx of any large additional number of Asiatic traders is undesirable. For those already here, I can only say that I hope they may continue to prosper.

M. K. GANDHI: That is a sentiment confined only to Your Excellency. For instance, it takes three months for an Indian, from the time he lands at one of the ports, to get up here.

HIS EXCELLENCY: I can tell you as a fact that at one time a far larger number of Indians were coming up here than people of all other

nationalities, except British, put together. I must say that I, at one time, thought we were going too far and issuing far too many permits to Indians.

H. O. ALLY: The mistake was made by the railway authorities, because they thought that any Indians who showed that they were refugees were entitled to return at once. That went on till the Peace Preservation Ordinance was passed.

HIS EXCELLENCY: To revert to the £3 tax. I have heard no valid argument against it.

H. O. ALLY: It is a special tax. Greeks, Armenians, and others do not have to pay a special tax. They pay 18s. a year, and that is all.

HIS EXCELLENCY: Yes, but they pay that every year, whereas you pay the £3 tax once and have done with it.

H. O. ALLY: And we should prefer to pay this 18s. a year, instead of the £3 tax.

HIS EXCELLENCY: But there is no choice in the matter. The law at present says that you have to pay £3, and that law is going to be enforced.

H. O. ALLY: We have protested against this law for years, and we think that, if we submit to it now, we shall be prejudicing our case against it.

HIS EXCELLENCY: You have a perfect right to make your views heard. What I say is that you would put yourselves in the wrong by resisting the action of the Government in carrying an existing law into execution.

H. O. ALLY: We will never do anything like that. That is why we came to Your Excellency. Whatever conclusion the Government comes to in the matter, we will abide by that. But I think that, if the objection to us is that our homes are not sanitary, the Municipality should pass more stringent measures, and send inspectors round to see our places. I do not think any man would need to be fined a second time, and one fine would act as a warning to the others.

After thanking His Excellency for granting them the interview, the deputation withdrew

Indian Opinion, 11-6-1903

244. *NOTES ON THE PRESENT POSITION*

[JOHANNESBURG,
May 24, 1903][1]

IN THE TRANSVAAL FOR WEEK ENDING 23RD MAY, 1903

The Law 3 of 1885 as amended in 1886, it will be remembered, requires from every Indian settling in the Colony a registration fee of £3.

[1] *Vide* the following item.

The Government, having decided to enforce the above Law, notified that the Indians who had not paid £3 tax during the old régime were to pay it forthwith. The community, therefore, appealed to Lord Milner for protection on the following grounds:

(1) The Law 3 of 1885 was never approved by the British Government and it remained on the statute-book only after diplomatic representations had failed.

(2) The tax was never regularly enforced during the late regime.

(3) The Law, the removal of which was one of the causes of the war, should not be enforced.

(4) The Indian community needs rest from the constant change of passes and officers. The Asiatic Office, under whose yoke it is groaning, took away the permanent permits held by the Indians and granted temporary passes, for which there was no legal authority. These passes were changed for permits, and hardly has the police prosecution been effaced from the mind of the Indian community, when comes the proposal for registration certificates for which £3 have to be paid.

(5) The payment would be a crushing burden to poor Indian hawkers and others to whom the sum of £3 is not a joke.

(6) Unlike other personal taxes in the Colony, failure to pay the tax renders a man liable to the penalty of £10 to £100 fine and, in default, 14 days' to six months' imprisonment. The other taxes in the Colony are recoverable only by civil writ.

(7) The tax is not meant for the purposes of revenue but as a deterrent to future immigrants. But, seeing that *bona-fide* refugees only are allowed to enter the Colony, there is no necessity for a deterrent.

(8) The £3 tax is merely a penalty for wearing the brown skin and it would appear that, whereas Kaffirs are taxed because they do not work at all or sufficiently, we are to be taxed evidently because we work too much, the only thing in common between the two being the absence of the white skin.

(9) The strangest part of the thing is that there is no demand on the part of the White League for the enforcement of the payment. The only thing they want is the banishment of the Indians, if not out of the country altogether, certainly to Locations outside townships.

His Excellency received a deputation in the matter and gave it a very long, patient and courteous hearing, but said that he saw no valid reason, in all the grounds enumerated above, for not enforcing the payment, that the Government were not unfriendly to the Indians, that while future immigration will most certainly be restricted, he considered that the present population were entitled to fair treatment. Replying to other matters raised by the deputation, His Excellency said he was considering in what way the existing law could be replaced, and he could see nothing wrong in a separate Asiatic Office, which was really (he added) in the interests of the Indians. His Lordship advised us not to resist payment of the tax and [to] bow to the inevitable.

Although we respectfully differ from His Excellency regarding the payment of the tax, we have decided to obey His Excellency's advice, (1) because we are anxious to fall in with the Government whenever it is possible, and (2) because we think that our energy and that of the friends in London should be concentrated on one central point, namely, repeal of the existing law.

As to the Asiatic Office, while His Excellency's views are very consoling as to its being in our interests, so far, in practice, it has proved a veritable yoke since its establishment. The community has not known what rest from vexation is.

East London

Two well-dressed Indians, Doorysammy and Nadda, were fined £2 each or 14 days' or one month's hard labour respectively for walking on the foot-path in Oxford Street, East London, on the 6th and 9th May respectively. The foot-path bye-law is, therefore, in full working order and has naturally created consternation among the Indians in East London. It was hoped from the tone of the Town Council's reply to the Indian protest that the law would not be systematically enforced and that cleanly-dressed Indians at any rate would not be molested. The Secretar yof the East London Indian Association has, however, been politely asked by the police to keep off the foot-path on pain of being arrested. The situation is most cruel. Even if Mr. Chamberlain cannot officially interfere with the working of the existing legislation in East London, or the legislation itself, the people there are hoping that he will be graciously pleased to make friendly representations and use his great influence with the Colonists in persuading them to desist from the irritating prosecutions for which there is no justification

whatsoever. In the mean while, the most respectable Indians of East London are obliged, for fear of being arrested, to keep off the foot-paths in the principal streets of East London. They have a perpetual reminder that they belong to an outcast race and that the fact that they are loyal British subjects is of no account in the British town of East London.

India Office : Judicial and Public Records, 402

245. *LETTER TO DADABHAI NAOROJI*

25 & 26 Court Chambers,
Rissik Street,
Johannesburg,
May 24, 1903

Sir,

I beg to enclose herewith a statement[1] up to date regarding the Transvaal and East London. We read in the papers that Mr. Chamberlain is expecting Lord Milner's despatch as to the alteration of the existing legislation affecting the Indians. I trust a draft copy will be supplied to you. And if it is, I also trust that you will not accept any draft without letting me see it.

It is necessary, also, that something should be done with reference to the legislation of the Orange River Colony which shuts out the Indians altogether.

I remain,
Yours truly,
M. K. Gandhi

The Honourable Dadabhai Naoroji
London

India Office : Judicial and Public Records, 402

[1] *Vide* the preceding item.

246. *NOTES ON THE PRESENT POSITION*

[*May 31, 1903*][1]

UP TO THE WEEK ENDING 30TH MAY 1903

In the previous notes, the British Indian Deputation that waited on Lord Milner has been alluded to. The official minutes thereof have been published in the papers. Cutting is hereto attached. It is sincerely to be hoped that in the new legislation that is under consideration, no class distinctions will be made.

ORANGE RIVER COLONY

It is time that something was done with reference to this Colony which practically shuts out Indians altogether. There were many who were driven out of the Colony when it was under the old Government. The British Government could not then grant any relief as it was an independent Republic. Should not these be now reinstated?

During the Military rule there was some indication of the Law being altered, but now the situation is growing more and more serious; the matter, it is submitted, ought to be brought separately to the notice of Lord George Hamilton and Mr. Chamberlain. Unlike the Transvaal, the legislation in that Colony has already commenced to establish the principle of colour legislation by introducing colour distinction into the municipal franchise.

CAPE COLONY

A report[2] hereto of the meeting held by the British Indians there sufficiently explains the situation.

The story of the grievances of the Indians in East London is already familiar to the friends.

The lead of the Transvaal in establishing Bazaars is, as will be seen by the report, being followed at the Cape.

India Office : Judicial and Public Records, 402

[1] *Vide* the following item.
[2] This is not available.

247. LETTER TO DADABHAI NAOROJI

25 & 26 COURT CHAMBERS,
RISSIK STREET,
JOHANNESBURG,
May 31, 1903

DEAR SIR,

I beg to enclose herewith the usual statement.[1]

At the request of the storekeepers in Heidelberg I have returned with this a copy of the magisterial proceedings which took place during Mr. Chamberlain's stay in South Africa. They say the note is to be sent to you. I hope, however, you will not take any action thereon. Our countrymen here are at present naturally in such a state of unrest, confusion and terror, that they are unable to take a dispassionate view of things. I would therefore request you to be chary of receiving and using statements not received from Mr. Nazar or myself. Our policy is and must be to put up with the inconveniences such as those described in the Heidelberg proceedings. They are but a phase of the larger question. The whole effort has to be concentrated on the repeal of the existing legislation.

I remain,
Yours obediently,
M. K. GANDHI

THE HONOURABLE DADABHAI NAOROJI
LONDON

From a photostat of the original : S.N. 2257

248. OURSELVES[2]

We need offer no apology for making an appearance. The Indian community in South Africa is a recognized factor in the body politic, and a newspaper, voicing its feelings, and specially

[1] *Vide* the preceding item.

[2] This was Gandhiji's unsigned editorial in the inaugural issue of *Indian Opinion*.

Box 249 J H Burg
2nd Feb 1903

Dear Professor Gokhale, 4103

Events have been progressing very fast in this country & naturally I have been in the thick of the fight. The struggle is far more intense that I expected.

Herewith statement presented to Mr Chamberlain at Pretoria. and a copy of statement up to date sent to London. There is a great deal of underhand work going on. The old laws are being severely enforced. And it probably means my having to stop here longer than March.

I was just in time to join the Durban deputation that waited on Mr C. I hope you received copies of the Dn statement.

I hope you will do what you can there. The matter being constantly & intelligently discussed in the papers will do good. Hoping you are well

I remain
yours truly
M K Gandhi

LETTER TO G. K. GOKHALE

"Indian Opinion."

a weekly newspaper b... ...hed, in four languages, ...y :English, Gujarati, ... and Hindi, in the in... ...of the British Indians ...g in South Africa.

THE POLICY

...paper would be to advo... ...he cause of the British ...s in this sub-continent. ...ile it would insist upon ...hts of the community, ...ld not be slow to point ...it its responsibilities also ...bers of a mighty Empire. ...ld persistently endeavour ...g about a proper under... ...g between the two ...ities which Providence ...rought together under ...e.

THE ADVANTAGES

...Indian community in ...bing to and supporting ...per would be :—

...t would have a news... ...that would advocate its ...as well as give to all ...s of it news in their own ...gue.

...It would contain news ...ly affecting Indians of ...ts of South Africa, be... ...ocal and general infor... ...n.

...It would contain an ...e of events happening in ...

...It would give commercial ...gence.

...It would contain contri... ...s from competent writers, ... as well as European, ...subjects—Social, Moral, ...tellectual.

...advantages to the Euro... ...community would be :—

The paper would give it ...a of Indian thought and ...tions.

It would acquaint it with ...ndian matters as are not ...only known to it, and yet ...should not be ignored ...r Imperialists.

...Europeans and Indians ...it would serve as the best ...tising medium in those ...hes of the trade in which ...s are especially con... ...l.

...e rate of annual subscrip... ...12s. 6d. in the Colony, ...utside the Colony, 17s ...le in advance.

...gle copies are sold at 3d.

...ertising charges can be ...n application to the ...igned.

[illegible]

[illegible Gujarati text]

Abdul Caadir, of Mahomed Cassim Camroodeen & Co., [illegible]

Joosub Abdool Carim, of Messrs. Dada Abdoola & Co. [illegible]

Dawad Mahomed & Co., [illegible]

[illegible], P. Dawaji Mahomed & Co.

Hoosen Cassim & Co., [illegible]

Adamji Miankhan, of G. H. Miankhan & Co. [illegible]

Parsee Rustomji, [illegible]

Hajee Abdoola, [illegible]

Ibrahim Hajee Cassim, [illegible]

[illegible], Ahmed Mahomed Parukh.

M. C. Anglia, [illegible], A. D. Munshi.

[illegible Tamil text]

1 C. R. D. Pillay & Co.,
2 P. Poonsamy Pillay & Co.,
3 [illegible]
4 R. R. [illegible],
5 M. P. [illegible],
6 S. B. Pillay.

[illegible Hindi text]

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The Indian Opinion.

THURSDAY JUNE 4TH, 1903.

OURSELVES.

We need offer no apology for making an appearance. The Indian community in South Africa is a recognised factor in the body politic, and a newspaper, voicing its feelings, and specially devoted to its cause, would hardly be considered out of place—indeed, we think, it would supply a longfelt want.

The Indians, resident in British South Africa, loyal subjects though they are of the King Emperor, labour under a number of legal disabilities which, it is contended on their behalf, are undeserved and unjust. The reason of this state of affairs is to be found in the prejudice in the minds of the colonists, arising out of misunderstanding the actual status of the Indian as a British subject, the close relations that render him kin to colonists, as the dual title of the Crowned Head so significantly pronounces, and the unhappy forgetfulness of the great services India has always rendered to the Mother Country ever since Providence brought loyal Hind under the flag of Britannia. It will be our endeavour, therefore, to remove the misunderstanding by placing facts in their true light before the public.

We are far from assuming that the Indians here are free from all the faults that are ascribed to them. Wherever we find them to be at fault we will unhesitatingly point it out and suggest means for its removal. Our countrymen in South Africa are without the guiding influence of the institutions that exist in India, and that impart the necessary moral tone when it is wanting. Those that have immigrated as children, or are born in the Colony, have no opportunity of studying the past history of the nation to which they belong, or of knowing its greatness. It will be our duty, so far as it may be in our power, to supply these wants by inviting contributions from competent writers in England, in India, and in this sub-continent.

Time alone will prove our desire to do what is right. But we can do very little unaided. We rely on generous support from our countrymen, nay we hope for it from the great Anglo-Saxon race that hails His Majesty Edward VII as King-Emperor! For, there is nothing in our programme but a desire to promote harmony and good will between the different sections of the one mighty Empire.

The British Indian in South Africa.

THE question which we propose to discuss in these columns for the next few weeks, is a very large one. It is daily growing in importance. As with social questions, so with this, it will be readily admitted that prejudice has played not an inconsiderable part: it will be our duty then to steer clear of it, and to deal with the situation without any bias, and with strict adherence to proved facts.

No politician worthy of the name can afford to ignore this matter. The presence of nearly 100,000 Indians in British South Africa cannot but affect the sub-continent for good or for evil. What to do with them is a problem on the correct solution of which depends their happiness, and in which every house-holder is undoubtedly concerned. Let us then see what the position is to-day.

In *Natal*, the Immigration Restriction Act effectually prohibits the entry of immigrants, unless they have been formerly domiciled in the Colony, or unless they can read and write one of the European languages. The Dealers' Licences Act places the trading class at the mercy of licensing officers who have practically absolute discretion either to grant or withhold trading licences which have to be taken out every year.

Then there are the vexatious laws about passes under which even respectable persons, men and women, may be arrested, during day time or night time, and alike in country places as in towns. The question of education is growing in seriousness. Public schools are no longer open to Indian children. The Government has lately opened two Higher Grade Indian schools, one in Durban and the other in Maritzburg, but the education given there is elementary, and there are no facilities for further studies after the youth has finished his school course. In the Capital of the Colony, the Town Council has passed a resolution prohibiting alienation or leasing of town-lands to the Indian subjects of His Imperial Majesty, the King-Emperor. And the Prime Minister has sent the Durban Town Council a copy of the recent Transvaal Government Notice, No 356 of 1903, dealing with the trading licences and residence of "Asiatics:" this is ominous.

The presence of a large indentured population further complicates the situation. The lot of this population is harder still. After it becomes free at the end of full five years' indenture, it is subject not only to the general laws of the Colony, but also to some special ones. Thus, it must either enter into a series of fresh indentures, or return to India, or pay an annual tax, a poll tax, euphemistically described by the legislature as a licence, of £3. A recent Act imposes this hardship also on the children of indentured immigrants, i.e., on girls of 13 and boys of 16 years of age.

The Cape Colony passed in February last an Immigration Act which goes further than the Natal Act in that the education test is so severe that it is possible for an officer to reject even well educated Indians, though it is liberal in another respect in that it keeps the door open for people domiciled not only in the Cape Colony but in any part of South Africa. The Town Council at East London has passed a legislation prohibiting Indians not owners or occupiers of landed property of the corporation value of £75, from walking on footpaths, and proposes to restrict them to locations. In fact, the Municipal Act [illegible] the Indian with the natives of South Africa.

In the two new *Colonies* His Majesty's Government has inherited the legislation of the late Republics, which is naturally very drastic. It is now being reconsidered, and the whole of it will be recast in the not very distant future.

However, as the yoke falls most heavily upon Indians in the newly annexed territories, it is worthwhile recapitulating the Republican legislation.

In the *Transvaal*, the Indian cannot trade, or reside, or own landed property, except in locations set apart for him. He must pay a registration fee of £3. He may not be out after 9 p.m., and may not walk on the footpaths. These are the principal disabilities. The licensing measure is being enforced with a severity unknown before.

In the *Orange River Colony*, the Indian has no footing except as purely and simply a labourer.

There is this marked distinction, worthy of note, between the Cape-Natal legislation and the Republican legislation, namely, that while the former, in theory, is applicable to all nationalities, the latter is especially directed against the Asiatics as such.

Strong popular prejudice has practically kept the Indian from the other parts of British South Africa.

Socially and popularly, the Indian is a pariah—in some places less so than in others. He is nicknamed "Coolie." In fact, popular prejudice has portrayed him as a "filthy being," without any virtue. The prejudice, it must be confessed, has become much toned down in Natal. And though the differences between the two communities undoubtedly still exist, they are perhaps more based on the fact that each looks at the problem from a different standpoint from the other, than on colour prejudice, pure and simple. The struggle seems to be fiercest in the Transvaal.

IS IT FAIR? [illegible]

EDITORIAL PAGE OF THE FIRST ISSUE OF "INDIAN OPINION"

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Indian Opinion, 4-6-1903

249. THE BRITISH INDIAN IN SOUTH AFRICA

The question which we propose to discuss in these columns for the next few weeks is a very large one. It is daily growing in importance. As with social questions, so with this, it will be readily admitted that prejudice has played not an inconsiderable part: it will be our duty then to steer clear of it, and to deal with the situation without any bias, and with strict adherence to proved facts.

No politician worthy of the name can afford to ignore this matter. The presence of nearly 100,000 Indians in British South Africa cannot but affect the sub-continent for good or for evil. What to do with them is a problem on the correct solution of which depends their happiness, and in which every householder is undoubtedly concerned. Let us then see what the position is today.

In Natal, the Immigration Restriction Act[1] effectually prohibits the entry of immigrants unless they have been formerly domiciled in the Colony, or unless they can read and write one of the European languages. The Dealers' Licenses Act[2] places the trading class at the mercy of licensing officers who have practically absolute discretion either to grant or withhold trading licences which have to be taken out every year.

Then there are the vexatious laws about passes[3] under which even respectable persons, men and women, may be arrested, during day time or night time, and alike in country places as in towns. The question of education is growing in seriousness. Public schools are no longer open to Indian children. The Government has lately opened two Higher Grade Indian schools, one in Durban and the other in Maritzburg, but the education given there is elementary, and there are no facilities for further studies after the youth has finished his school course. In the Capital of the Colony, the Town Council has passed a resolution prohibiting alienation or leasing of town-lands to the Indian subjects of His Imperial Majesty the King-Emperor. And the Prime Minister has sent the Durban Town

[1] *Vide* Vol. II, pp. 273-7.
[2] ibid, pp. 277-8
[3] ibid, pp. 279-80

Council a copy of the recent Transvaal Government Notice No. 356[1] of 1903, dealing with the trading licences and residence of "Asiatics": this is ominous.

The presence of a large indentured population further complicates the situation. The lot of this population is harder still. After it becomes free at the end of full five years' indenture, it is subject not only to the general laws of the Colony, but also to some special ones. Thus, it must either enter into a series of fresh indentures, or return to India, or pay an annual tax, a poll tax, euphemistically described by the legislature as a licence, of £3. A recent Act imposes this hardship also on the major children of indentured immigrants, i.e., on girls of 13, and boys of 16 years of age.[2]

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In the Orange River Colony, the Indian has no footing except as purely and simply a labourer.

There is this marked distinction, worthy of note, between the Cape-Natal legislation and the Republican legislation, namely,

[1] *Vide* enclosure to "Notes on the Present Position", pp. 352-3.

[2] *Vide* "Letter to *The Times of India*", pp. 284-6 and pp. 295-7.

that while the former, in theory, is applicable to all nationalities, the latter is especially directed against the Asiatics as such.

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Indian Opinion, 4-6-1903

250. IS IT FAIR?

If a European commits a crime or a moral delinquency, it is the individual: if it is an Indian, it is the nation. This statement has been recently verified in the case of a certain Indian who has seen fit to let houses, taken by him on lease, for immoral purposes. For conduct such as this there is absolutely no defence. But it is one thing to condemn the individual, and another to justify and advocate restrictions on a whole nation, as the usually sober "Man in the Moon" of Mercury Lane[1] and our esteemed evening contemporary[2] have done, because of the acts of the man referred to above. And let it not be forgotten that it is a European landlord who has leased the premises to the Indian in question. But the incident ought to serve as a lesson to our countrymen. Like Caesar's wife we must all be above suspicion. Living as we are in a country where somehow or other everything against us is immensely magnified, the least of us have to be careful as to what we may do, lest we may stultify the whole community.

Indian Opinion, 4-6-1903

[1] A weekly columnist of *The Natal Mercury*; *vide* Vol. II, p. 291.
[2] *The Natal Advertiser*

251. VIRTUOUS INCONSISTENCY

Foolish consistency is the hobgoblin of little minds, said Emerson. Evidently the Transvaal Government thinks that uniform treatment during a plague scare would be 'foolish consistency'. Therefore it has ruled that no Indian from Natal is to enter the Transvaal, while Europeans and Kaffirs are allowed in without restrictions, despite the fact that the plague has not respected persons, and has been foolishly consistent in attacking all the three races inhabiting Natal. The Indian may be forgiven if, therefore, he arrives at the conclusion that the embargo placed on him is more in the nature of a political closure than a precaution in the interests of public health. During the first stages of the scare, perhaps the restriction was excusable, in view of the popular prejudice. But a deliberate prohibition against Indians only, without the option of temporary quarantine, in the face of the fact that the plague is now, let us hope so, dying out, and that it has not progressed in all these months beyond the Capital, may be virtuous inconsistency, but to the victims of the embargo it becomes a very serious matter indeed. Refugees, and others who have connection with the Transvaal, suffer great loss and inconvenience. May we appeal to the local Government to obtain some measure of relief from such manifest injustice against a portion of the inhabitants of Natal, Indians though they may be? Fair play is the great characteristic of the British race; and we ask every true Britisher to say whether the one-sided treatment described above is a sample of fair play.

Indian Opinion, 4-6-1903

252. BETTER LATE THAN NEVER

The British Indian League in Cape Town has, at a large meeting of British Indians, passed resolutions protesting against the recently enacted Immigration Act[1] and the proposed measure for relegating Indians to Bazaars.[2] Our countrymen there have the powerful aid of the Bombay Chamber of Commerce, in their attempt to have the Cape law modified. The measure, in its Bill stage, was harmless enough. It protected the rights of British subjects, whether coloured or not; and it also recognized the Indian languages for the educational test. The Bill was introduced at the fag-end of the session, and rushed through the House in indecent haste, beating even Natal in this respect. Until, therefore, it had passed through all its stages, the public naturally could say nothing in the matter. For our part, we do not think that there is slightest danger of an undue Indian influx. Mr. Chamberlain has laid down the principle that self-governing Colonies have the right, very largely, of governing immigration. Lord Milner, too, repeated the principle the other day in more emphatic terms[3] and our countrymen bow to it, as they must. But there are well-defined limitations to the doctrine, one of which is that colour is no ground for restriction, and the other is that a whole nation cannot be debarred. Now, the Cape Act nullifies both the tests. It lays down an educational test, under which even a graduate of a University may fail; and seeing that it does not include in the test a knowledge of the Indian languages, in effect it totally prohibits the Indian immigration. It is open to almost all the objections applicable to the Natal Act[4]. It is to be sincerely hoped that next session it would be so modified as to respect reasonable Indian objections while upholding its main

[1] The Act 47 of 1902 imposed restrictions on Asiatic immigration by removing Indian languages from the scope of the educational test. The British Indian League submitted a petition to the Colonial Secretary on June 6, 1903, protesting against the Act.

[2] The City Council of Cape Town sought to segregate Asiatics on the lines adopted in the Transvaal.

[3] *Vide* p. 370.

[4] *Vide* Vol. II, pp. 273-7.

object. Indeed, the ministers said that as the Bill was being rushed, they would be prepared to amend it during the following session.

Indian Opinion, 4-6-1903

253. WORDS AND DEEDS

That the liberal-minded Premier[1] of this fair Colony should address municipalities in Natal on the Bazaar Notice of the Transvaal Government, and thus influence their action in the same direction, is a distressing surprise to us. What would Sir Albert have the municipalities to do? They have unlimited powers already. Very few new licences are granted. Whom would Sir Albert then send to Bazaars? Surely not those who are already established; for, such are not affected by the Transvaal Notice. It is a strange comment—this action of the gallant Premier—on the Imperial mission of Mr. Chamberlain to South Africa. Imperial spirit, imperial unity, this is the dominant note of the eighty speeches of the Right Honourable Gentleman. Dealing with the Indians, he laid down the rule that those already settled, were "entitled to fair and honourable treatment". To force Indians to Bazaars, in plain terms Locations, is hardly 'fair' or 'honourable'. One would have thought the Indians would be allowed to have rest after the passing of what to our mind are drastic measures; namely, the Immigration Restriction and Dealers' Licenses Acts. The Almighty has evidently willed otherwise.

(Since the above was in type, we have learnt, with a shock of surprise, the opinion passed by the Mayor of Durban in the form of a minute. We reproduce the full text elsewhere,[2] and reserve comment till our next issue.[3])

Indian Opinion, 4-6-1903

[1] Sir Albert H. Hime, Premier, 1899-1903
[2] *Vide* the following item.
[3] *Vide* "The Lion and the Lamb", pp. 403-4.

254. *MINUTE BY THE MAYOR*

The statement made by the Mayor of Durban in Committee of the Whole Council on Tuesday last, which we reproduce below, seems to be a premature effort to introduce into Natal the repugnant old laws temporarily revived in the Transvaal, regarding Asiatic segregation, laws that roused the righteous indignation of the British Government before the War, and are being considered by the Imperial Government. It is a singular travesty of equal rights—of "fair and honourable treatment", and is being evidently rushed with such undue haste as to suggest that the promoters are not anxious to court criticism.

THE MINUTE

The Hon. the Prime Minister has been good enough to forward copy of resolution passed by the Transvaal Executive Council, prescribing the principles to be adopted in dealing with applications for trading licences by Asiatics, which may be summarized under four headings, viz., (1) to provide for the allocation of Asiatics for trading and residential purposes in bazaars; (2) to restrict all new licences to premises in such bazaars; (3) to provide that existing licences outside the bazaars shall not be transferred to any other Asiatic trader, and that the holders of such licences shall not have more licences in any one town than they hold on a given date; and (4) permitting Asiatics, under certain circumstances in regard to method of living, to reside outside such bazaars.

We have now had six years in which to prove the success or failure in this borough of the legislation introduced in 1897, and I regret to have to confess that we have not experienced the benefits that were anticipated from that legislation —I refer to the Immigration Restriction Act, 1897, and Act 18 of 1897 "To amend the law relating to licences to wholesale and retail dealers."

During the past six years, there have been very marked increases in the number of licences held by Asiatics, and we now find that in the main streets of the borough, large blocks of valuable property are held by Asiatics, that they are daily acquiring other properties, and that many new buildings are being erected for trade purposes by Asiatics, which buildings under the existing laws will, in all probability, be licensed, because such laws will not permit of applications for licences being arbitrarily refused.

It is impossible to overlook the fact that, by permitting these people to reside and carry on business in every part of the borough, we are perpetuating

a very serious menace to the health of the community. In this connection, I need only refer to the preponderance of cases of bubonic plague, which have occurred amongst Indians, to prove that the habits of these people are not conducive to the health of the borough. I find that out of the 160 cases of plague to date, no fewer than 93 were Asiatic cases. Although the leading representatives of the Indian community have rendered very great assistance to the Health Department during the outbreak of plague, yet, owing to the customs of the race, considerable difficulty has been experienced in carrying out sanitary requirements, and these difficulties would, to a large extent, be overcome, if all Indians living in the town were required to reside in a given area. I do not anticipate any grave trouble in selecting a suitable neighbourhood as an Asiatic quarter.

The Asiatic owners of premises in West Street, Smith Street, Pine Street, Commercial Road, Railway Street and elsewhere, have no vested right in the licences under which they trade, as, for good and sufficient reasons, these and other licences might not be renewed at the end of any given year. So, far from being a hardship, I consider it would be an advantage to the Indians themselves if their business premises and habitations were congregated together in a special area, instead of being distributed over the whole length and breadth of the borough, as at present. It might be somewhat harsh if existing licences were cancelled forthwith, but by permitting the present licensees to continue to hold licences for the same premises at present occupied during their lifetime, subject, of course, to their being kept in a thoroughly sanitary condition, I think justice would be done them. Under no circumstances, however, should the existing licences be transferred to other Indians, and, to secure this, it would be necessary to have a proper register kept of all Indians in the borough.

After giving the matter very careful consideration, it appears to me that the time has arrived when this Council should petition Government to introduce legislation, on somewhat similar lines as the laws in force in the Transvaal, in order to safeguard the health and trade interests not only of Durban, but of the whole Colony, and I would urge that no time be lost in approaching Government, as it is only to be expected that the effect of the new Transvaal regulations will be to encourage Asiatics to leave that Colony in favour of Natal, where they may, under present conditions, conduct their businesses and reside in any part of the borough they may choose. Should Government be prepared to introduce the necessary legislation, to put the Colony upon an equal footing with the Transvaal in the method of dealing with Asiatics, I would suggest that the Bill should provide:

1. For the registration of all Asiatics in boroughs or townships in a similar manner, as provided by the Transvaal Law 3 of 1885.

2. That Asiatic bazaars (or locations) be set apart by the municipal authorities in which shall reside all Asiatics, other than domestic servants in

the employ of Europeans, or employees of Government, corporations, or firms providing suitable barrack accommodation.

3. That no new licences shall be granted to Asiatics except to carry on business in such bazaars.

4. That existing licences held by Asiatics be not transferred to other Asiatics, but on the decease of present licensees they be cancelled forthwith.

5. That no Asiatic shall be permitted to hold more licences than held by him on the date of the promulgation of the Bill.

6. That any Asiatic who shall prove to the satisfaction of the Colonial Secretary that he holds any high educational certificate from the Education Department in this or any other British Colony or dependency, or that he is able and willing to adopt a mode of living not repugnant to European ideas, nor in conflict with sanitary laws, may apply to the Colonial Secretary for a letter of exemption which shall enable him to reside elsewhere than in a place specially set apart for Asiatics.

Legislation on these lines would not have the effect of at once removing Asiatic businesses from our main streets, but it would preclude additional licences being granted there, and, if, simultaneously with the provision of native locations, we are enabled to compel all Asiatics to reside in bazaars (irrespective of where their business premises may be situated), we shall have accomplished an end which will be the means of improving the sanitary condition of our borough to a greater extent than is possible under any other conditions.

Indian Opinion, 4-6-1903

255. CABLE TO BRITISH COMMITTEE OF I.N.C.[1]

JOHANNESBURG,
June 6, 1903

INDIAN NATIONAL CONGRESS
84 PALACE CHAMBERS
BRIDGE ST.
LONDON S. W.

LORD MILNER REPLYING WHITE LEAGUE SAID HE ASKED INDIAN GOVERNMENT SUPPLY INDENTURED INDIANS WHO SHOULD RETURN AFTER COMPLETION INDENTURES. HOPE PROPOSAL COMPULSORY RETURN NOT SANCTIONED.

GANDHI

India Office : Judicial and Public Records, 402

[1] This was also sent to *India*. Dadabhai Naoroji forwarded a copy of it to the Secretary of State for India.

256. *NOTES ON THE PRESENT POSITION*

JOHANNESBURG,
June 6, 1903

IN THE TRANSVAAL UP TO 6TH JUNE 1903

This week, Lord Milner received a deputation from the White League. A copy of the full report is hereto attached. His Excellency was sympathetic towards the Indians and, if he was firm with the Indian Deputation, he was equally so with the White League.

A petition is now being prepared for submission to His Excellency with reference to his reply to the Indian Deputation. An advance proof copy is being sent by the same mail as this. The petition would explain the whole situation and show what the needs of the Indian community are.

There was one point in Lord Milner's address to the White League which is ominous. His Lordship is in negotiation with the Indian Government for a supply of indentured labour from India on the condition that the Indians are forcibly repatriated. Happily, the Indian Government do not so far appear to have returned a response satisfactory to His Excellency. But seeing that the negotiations are still pending, the following cable was despatched today:

> Lord Milner replying White League said he asked Indian Government supply indentured Indians who shall[1] return after completion indentures. Hope compulsory return not sanctioned.

The proposal means nothing short of a reversal of the whole British policy. The Indians are wanted for the benefit of those who require their labour as bondsmen. As soon as their bonds are loosed they are to go back. In other words, the Colony would, if it could, take everything from India and give little in return. For the wages that would be offered would be always below the standard wage and, no matter how high they may be, they could hardly be high enough to compensate the Indian for the deprivation of his personal liberty and the right to settle in the country. Apart, therefore, from the fact that the Transvaal cannot expect to receive any assistance from India until it is prepared to treat the free Indian population in a

[1] The cable however has "should"; *vide* the preceding item.

reasonable manner, it is to be sincerely hoped that it will not be allowed to exploit Indian labour for its own, one-sided benefit.

The people in East London cry aloud for redress. It is true that it is a part of a self-governing Colony. But they appeal to Mr. Chamberlain for the exercise of his great influence to make the same friendly representations to the East London Municipality (which is, after all, a part of the Empire) which he was pleased to make to the late South African Republic, which was not a part of the Empire.

NATAL

Lord Milner's Bazaar Notice has produced an effect most damaging to the Indians throughout South Africa. The notice is now acknowledged to be temporary so far as the Transvaal is concerned. But the Durban Town Council has seriously taken it to heart and is asking the Natal Parliament to pass fresh legislation embodying the principle of Bazaars, that is, Locations, etc. It shows what mischief a single false step on the part of a great man may do. That the notice was a false step is hardly a matter for dispute. For, when it was framed, it was meant to be permanent Now Lord Milner has declared that it is only tentative. Natal, as well as the Cape, has evidently treated it as permanent. In this connection, the remarks of the Director-General of Statistics in India are worth perusal. A cutting giving the same is hereto attached.

India Office : Judicial and Public Records, 402

257. PETITION TO P. S. TO GOVERNOR OF TRANSVAAL

25 & 26 COURT CHAMBERS,
RISSIK STREET,
JOHANNESBURG,
June 8, 1903

TO
THE PRIVATE SECRETARY TO
HIS EXCELLENCY THE GOVERNOR OF THE TRANSVAAL
JOHANNESBURG

SIR,

This Association ventures to approach His Excellency regarding the various points submitted to His Excellency by the Deputation which he was graciously pleased to receive on the 22nd May last.

The Committee of the Association feels that during the time that was at its disposal the Deputation could not sufficiently explain some of the points, nor could it give a humble reply to His Excellency's address.

Before proceeding to discuss those points, the Committee of the Association begs respectfully to thank His Excellency for the long, patient and courteous hearing that His Excellency was pleased to grant to the Deputation and for His Excellency's sympathetic reply.

I THE ASIATIC OFFICE

With the great deference to His Excellency, my Committee still ventures to think that, as at present worked, it constitutes a heavy burden on the Indian community, and an unnecessary tax on the revenues of the Colony. In making remarks about its working, my Committee disclaims any intention to reflect on any of the Supervisors.

(*a*) *The Asiatic Office has caused a great deal of hardship in the matter of permits.*

His Excellency was pleased to say that at one time too many permits were being issued to Indians. But my Committee begs to say that, with perhaps isolated exceptions, permits have never been so far granted to non-refugee Indians. During a few days after the passing of the Peace Preservation Ordinance, the Railway Authorities, thinking that there were no permits compulsorily required, issued railway tickets without production of permits, and there was no inspection thereof on the border towns. The result was that several Indians, quite unconscious of the fact that they were committing a breach of the law, were able to enter the Colony. These have been prosecuted and given notices to depart from the Colony. The entry of the Indians in the above manner, therefore, does not affect the question of the harsh working of that office.

Unlike Europeans, owing to the establishment of the Asiatic Office, the Indians cannot obtain permits unless they apply nominally to the Colonial Secretary, but virtually to the Asiatic Office. But the Supervisors of these offices have no power to grant the permits. They merely recommend them. The General Permit Officers then, but not till then, grant the permits thus recommended, at the coast towns. The evidence as to the *bona fides* of the applicant produced before the Asiatic Office is exactly the same that would be produced before the General Permit Officer at the coast. The difference is that the officer

on the coast can see the applicant face to face and weigh the evidence he may produce. Not so the Supervisor who has to judge from a distance of several hundred miles. The procedure, without being of any use, involves an unnecessary waste of time. It takes, as a rule, three months before an Indian applicant has his permit granted. In several cases, a month has been known to elapse before the permits were granted after recommendation. If, therefore, the Office is in the interests of the Indian community, it has evidently not fulfilled its purpose so far as permits are concerned. It has meant a great deal of worry and legal expense.

(*b*) *The Asiatic Office introduced a system of passes which has been proved to be utterly useless.*

The Asiatic Office, having no jurisdiction over the Indians save such as it could invent for itself, instituted quite gratuitously a system of passes. Every Indian who arrived in the Colony was deprived of his permit and was given an Asiatic pass, the only use of which was to have the name of every Indian arrival on the register of the Office, which, as a matter of fact, it already had, in that the permits were issued after its recommendation. Whereas the permits were and are of a permanent character, entitling the holder to move about freely and leave and re-enter the Colony, the passes were of a temporary duration and of no effect for the purpose of leaving and re-entering. Thus, as soon as the Indian entered the Colony, he found his freedom of movement much curtailed. Unscrupulous Indians and Europeans were not found wanting to take advantage of the pass system, and abuse resulted very largely. As soon, therefore, as the Ordinance to amend the Peace Preservation Act was passed, the Chief Secretary for Permits issued instructions that the Asiatic passes were to be exchanged for permits. While the intention of granting permits was in itself good, the way in which it was carried out amounted to a cruel persecution of thousands of Indians in Johannesburg, Potchefstroom and Heidelberg. My Committee need not dwell on it, as it is occupying the attention of the Colonial Secretary. The point is that, but for the existence of the Asiatic Office, such a thing would have been an impossibility.

And now, notwithstanding the existence of that Office, the Government have found it necessary—my Committee knows not why—to appoint a new Registrar of Asiatics independent of the Asiatic Office.

His Excellency was pleased to say, in justifying the registration tax, that registration was useful. My Committee has

loyally accepted His Excellency's advice and does not now wish to re-open it, save in so far as it is necessary to illustrate the present argument. As a matter of fact, then, registration was once made, as said above, by the Asiatic Office. It was made for the second time, as also said above, by the Chief Secretary for Permits. It is now being done for the third time. The enforcing of the Law 3 of 1885 does not, in my Committee's humble opinion, necessitate the elaborate registration that has now been undertaken. The £3 could have been collected without it from those that did not pay the amount during the old regime. But a separate Office has given rise to the arrangements made on the large but, in my Committee's humble opinion, useless scale.

(*c*) *The Asiatic Office has unnecessarily interfered with the Licensing Office.*

An Indian trader or hawker may not take out his licence without the recommendation of the Asiatic Office. There is nothing in the law to justify it. But departmental instructions seem to have been issued to Revenue Officers not to issue them without such recommendations. Why the recommendation is required, my Committee is at a loss to understand. The applicant in any case produces his permit and makes the usual declaration before he is granted his licence. If it is intended to identify the applicant with the permit and his declaration, the Asiatic Office is in no better position than the Revenue Officers to do so. Fraud in such cases is in the very nature of the thing practically impossible.

(*d*) *The Asiatic Office is responsible for the institution of photographic passes.*

As if the hold of that Office on the Indian were incomplete, the system of visiting passes has been lately instituted, which interferes with the movement of the Indian—a system, moreover, for which there is no warrant in law.

The above completes the functions of the Asiatic Office.

(*e*) *The Asiatic Office is an unnecessary burden on the Revenue.*

That the Office is an unnecessary waste of public money will have been seen from the foregoing. For, if the authorized number of permits could as well, if not better, be issued by the officers at the different coast towns without the recommendation of the Asiatic Office, if the Revenue Officers could be trusted to issue licences to British Indians in the usual manner, there is nothing left for the Asiatic Office to do.

(*f*) *Such a Department does not exist either at the Cape or Natal, where there is a far larger Indian population.*

Moreover, no such Office has been found necessary at the Cape or Natal, where there is a far larger Indian population than in the Transvaal. In Natal there is an Office of the Protector of Indian Immigrants, but that office has jurisdiction only over the indentured Indian population, and has absolutely no control over the free Indian population. And what is perhaps more, such a want was never felt by the old Government of the Transvaal.

(*g*) *The Asiatic Office does not do away with the approach to the other ordinary Departments.*

His Excellency was pleased to say that the Asiatic Office was necessary, in order that the Indians may have an easy access to officers who were solely devoted to Asiatic affairs, and might avoid having to go to other offices at all. Such, however, is not the case, for the intervention of the Asiatic Office is merely an additional burden, and does not in any case do away with the approach to the other officials.

My Committee, therefore, ventures to hope that it has succeeded in convincing His Excellency that the Office is unnecessary in every way. Indeed, when it was first established, it was intended to be a temporary institution, and in any case it would have little left to do, as soon as the permit system is abolished.

II THE BAZAAR NOTICE

The Association is grateful for the liberal construction that has been put upon the Notice No. 356 of 1903, which lays down the principle of Bazaars. But the notice, it is respectfully submitted, is still open to objection on two grounds:

(1) *Because it implies compulsory segregation and restriction on trade merely to Bazaars.*

(2) *Because in its working it will give rise to great hardships.*

As to the first ground, the Association would humbly point out that compulsion of any kind is contrary to the principles of justice, when it is intended to restrict freedom. It has been often said that the Indians ought not to object to Bazaars, because they are used to them in India. With deference, the Association would draw His Excellency's attention to the fact that an Indian bazaar is situated in the very heart of a town and is the busiest portion of it, and, in any case, there is no compulsion on any man to trade in bazaars. Needless to say, an Indian bazaar is never a place of residence. In fact, any place where trade is carried on is called a bazaar, and is by no means restricted to a particular class. Under the notice in question, the

Bazaar is merely a euphemism for the Location, and is meant both for trade and residence. That the Government themselves do not consider the Bazaars to be of much respectability or consequence is evidenced by the fact that the pre-war Indian traders are not to be compelled to remove to Bazaars, and that Indians of education and position may be exempted from having to reside in them. Nor will the Transvaal Bazaars, unlike the *bona-fide* bazaars of India, be centrally situated. That the Bazaars are to be located within town limits would not, the Association may be pardoned for saying, be in any way a lenient construction of the existing law, for it clearly contemplates the setting aside of streets and wards which could only be in towns. Again, the streets, wards, or Locations are, according to the law, to be set apart for residence. Trade is not mentioned in it at all. It is, therefore, the Association submits a strained construction to confine Indian trade to Bazaars only. The Association is aware that the High Court of the late Repuplic has laid down that the term "residence" shall include "trade" also for the purpose of construing the law. That decision was not unanimous—Mr. Justice Morice being the dissenting judge. And the Association submits that it is hardly a lenient interpretation of the statute to enforce the above decision, in view as well of the fact of the dissent as of the fact that the British Government always protested against any such interpretation even when they felt compelled to accept the law itself.

His Excellency was pleased to say that new legislation is under consideration. If so, the Association fails to see any occasion for enforcing the law at present. Very few Indians are being allowed to enter the Colony. Those who traded before the war are to have the right to trade outside Locations renewed. The new applicants, therefore, may be treated as the Government may think fit, pending legislation.

The White League has taken strong exception to the Bazaars being established within town limits. If it is wrong to issue trading licences to Indians in towns generally, it is none the less wrong because it is issued in a portion of the town which is called a Bazaar. The Association, therefore, fears that if the Bazaars are established according to the intention of the Government in accessible parts of towns, the agitation against Indians would continue.

The Association, therefore, submits that, looked at from any point of view, the principle of the Bazaar is unsatisfactory.

While the Association does not admit that there is any fear of over-trading on the part of the Indians, the best solution of

the difficulty would be in powers being given to the municipalities to control the granting of new licences to trade, subject to revision of their decision by the Supreme Court. Thus, the existing licences, so long as the law as to sanitation, proper book-keeping, etc., is observed, would be untouched by them, and the granting of new licences, whether European or Indian, would practically depend upon the municipality, which represents the will of the people. With such a law, without any competition, each community would be automatically separated in distinct localities. The class of buildings could be improved from year to year, and the whole tone of the community raised and no offence given to any portion of it. For the Association firmly believes that, if a good portion of a town were selected and Indians given the choice of going there, a large number would be found willing to avail themselves of the choice without any compulsion.

Coming to the second ground, the notice in question seriously affects the vested interests which the Government intend to protect, in that

(1) it does not respect all the existing Indian licences;
(2) it does not give the right of transfer of licences from man to man outside Bazaars;
(3) it is not clear whether only those who held licences to trade outside Bazaars are alone to have their licences renewed, or all who traded outside Bazaars before the war whether with or without licences;
(4) it is not clear whether, in the case of a firm trading before war outside Bazaars, all the partners are to be entitled to a renewal or only one of them;
(5) it contemplates exemption only in respect of residence.

The Association would crave leave to discuss shortly all the points mentioned above.

(1) *It does not respect all the existing Indian licences.*

Too much stress cannot be laid on this point, which practically means a matter of life and death to many present licence-holders. Some Indian refugees who returned to the Transvaal with permits received licences to trade in towns in which they were not trading before. These they received from British Officers for the full year without condition. But towards the end of last year, in some towns, the magistrates gave notices that such licences would not be renewed. The matter was specifically brought to Mr. Chamberlain's notice by the Indian Deputation that waited on him. And he emphatically assured it that such licences

would be respected and renewed. Yet, the notice in question would relegate all such traders to Bazaars at the end of the year. The matter was brought by the Deputation to His Excellency's notice, who was pleased to say that he would consider the point. In the opinion of the Association, such traders with, in some cases, long-established businesses, having entered into long leases of premises and built upon them, never suspecting that, under British rule, their tenure of licences could be assailed, are entitled, if possible, to greater consideration than those old licence-holders who have not yet returned to the Colony, but whose rights are respected because they traded outside Bazaars before the war. In the one case, the new man has an established business; in the other, the man, though an old trader, has to start *de novo*. The Association, therefore, trusts that, irrespective of any decision His Excellency may arrive at on the other points, this at any rate will be decided favourably to the men in question.

(2) *It does not give the right of transfer of licences outside Bazaars.*

The notice respects the rights of those who traded before the war, and it does not; for it authorizes a renewal up to the time of the residence of the holder. As soon as he thinks that his business is in a flourishing condition, he has established a goodwill and may well retire, the full fruition of honest labour is snatched from the lips. He cannot sell his business, as his licence is not transferable, as a going concern. What the deprivation of this simple right of a tradesman means, it is unnecessary for the Association to dwell upon. If the vested interests are, therefore, to be really respected, the Association ventures to think that the right of transfer should be recognized. The point has been brought out by Mr. William Hosken and other European gentlemen of standing, who have presented a petition to His Excellency the Lieutenant-Governor on the Notice, and which is hereinafter more fully referred to, and a copy of which is attached hereto.[1]

(3) *It is not clear whether only those who held licences to trade outside Bazaars are alone to have their licences renewed, or all who traded outside Bazaars before war, whether with or without licences.*

This is an important point. There were many Indians who, though they traded before the war, had no licences issued to them. Very few held licences. Many traded on the tender of licence money, and some in the name of white men—all with the

[1] This is not given here; *vide* pp. 357-8.

knowledge of the authorities. Such a state of things was tolerated because of the pressure from the British Government. Now the preamble of the Notice says "with due regard to the vested interests of those Asiatics who were trading outside Bazaars at the commencement of hostilities". But the 3rd Clause speaks of Asiatic traders "who *held licences* at the commencement", etc. Many Indians, therefore, would suffer if the exception is restricted to those only who *held licences* before the war, as distinguished from those who *traded* before war.

(4) *It is not clear whether in the case of a firm trading before war outside Bazaars, all the partners are to be entitled to a renewal or only one of them.*

This point is left open by the Notice. It would be manifestly unjust to allow a licence to one partner who may come first, and refuse it to another or others. All traded before the war, and if a licence was issued, all had an equal right to it.

(5) *It contemplates exemption only in respect of residence.*

To the Indian community, the whole principle of exemption is a sore point. Why an Indian should have to take out an exemption and thus pose as superior to his other countrymen, before he can reside anywhere he likes on British soil, is difficult to understand. But, accommodating oneself to such (if the Association may be excused the use of the term) an offensive principle for the sake of argument, the exemption only applies to residence. His Excellency was inclined to think that the exemption extended to trade as well as residence. But the Notice clearly limits it to residence. There would be some value in it, if it was meant to be an exemption from the whole Law 3 of 1885.

But the Association is anxious not to labour the point. Its respectful protest is against the whole Notice. In its opinion, it is a departure from the Declaration of Her late Majesty's Government, is unnecessary in view of the impending new legislation, is full of ambiguity and leaves the Indian community in practically the same state of suspense under which it has been for the last 15 years, and from which it had a right to be free on the establishment of the British Government, which entered on the costly war, if mainly for the redress of the grievances of the European Uitlander, not a little also for the redress of those of the Indian.

III PROHIBITION TO HOLD LANDED PROPERTY SAVE IN LOCATIONS

The Law 3 of 1885 prevents Indians from owning landed property in the Colony except in streets, wards and Locations pointed out by Government. The Association respectfully considers the prohibition a serious hardship and injury to the loyal

British Indians. That a British subject cannot buy a piece of land where he likes in British territories is a thing extremely difficult to understand. The Association is hoping that this disability would be removed by the new legislation that is now being considered and, therefore, refrains from making any further remarks on the question.

IV

His Excellency was pleased to say that every State had a right to choose its citizens, a principle which the Association has always admitted, and still does admit. But, in the opinion of the Association, there is no fear of an Asiatic influx into the Colony. There are very stringent restrictive laws in force in the maritime Colonies of South Africa. That fact, coupled with the disinclination of the ordinary Indian to emigrate from India, are a substantial bar to any undue influx of Indians. But the European Colonists think otherwise. The chief reason for coercive legislation is this fear of the influx. The Association, therefore, would accept without demur any legislation of a restrictive character which is applicable to all, does not recognize colour distinction, and leaves the door open for a respectable class of Indians, and such Indians as may be necessary for the business of Indians established in the Colony.

In the petition hereinbefore referred to, Mr. William Hosken and the other petitioners have suggested the adoption of the Natal or the Cape Immigration Restriction Act, with certain modifications. The Association would gladly accept the solution proposed by the gentlemen, provided that the educational test recognizes a knowledge of the principal Indian languages, and the Law gives authority to the officer to grant special permission to servants, managers and others, even if it be for a limited term, who may be required for the local Indian merchants.

CONCLUSION

The welfare of the British Indians in South Africa is in His Excellency's hands. The Bazaar Notice is already having a far-reaching effect in other parts of South Africa, and if the rights of the Indians are curtailed, or legislation on colour distinction is introduced in this Crown Colony, and that at the hands of His Excellency, holding the dual position of High Commissioner and Governor, and occupying a very large place in the hearts of the people of South Africa, the self-governing Colonies of the Cape of Good Hope and Natal will not be slow to copy any such legislation.

In the humble opinion of the Association, it is only partially true that this country has been won by the white man. The arrival of the Indian Contingent at the nick of time was no mean contribution to the war from India. Nor did the Contingent consist wholly of white men; it had a large number of *dhooley*-bearers and other followers who were just as useful, and who braved the perils just as much as the soldiers. The local Indians were not behindhand in doing their duty. Indian soldiers are fighting the Empire's battles in many parts of the world.

The Indians are taught from their infancy the principle of equality between British subjects in the eye of the law. The people of India received their charter of liberty in 1857[1], after the termination of a sanguinary strife, in which, it has often been acknowledged, the sterling loyalty of the people at large, put to a most severe test, saved India for the Empire.

What the British Indians pray for is very little. They ask for no political power. They admit the British race should be the dominant race in South Africa. They admit the principle of restricting the influx of cheap labour, no matter from which source it may come. All they ask for is freedom for those that are now settled and those that may be allowed to come in future to trade, to move about, and to hold landed property without any hindrance save the ordinary legal requirements. And they ask for abrogation of legislation that imposes disablities on them because they wear a brown skin. The white inhabitants, or a portion of them, do indeed ask for drastic legislation against the Indians, and they are strong. The Indians are weak. But the British Government has always been known to protect the weak. The Association humbly appeals to His Exellency to extend that protection to the community and grant its prayer.

I have the honour to remain,
Sir,
Your obedient servant,
ABDUL GANI
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

From a photostat of a printed copy : C.W. 2940. Also India Office : Judicial and Public Records, 402, and *Indian Opinion*, 18-6-1903

[1] This is a slip; the Queen's Proclamation was issued in 1858.

258. PETITION TO LEGISLATIVE COUNCIL, TRANSVAAL

25 & 26 Court Chambers,
Rissik Street,
Johannesburg,
June 10, 1903

To
The Honourable the President and Members of
the Legislative Council of the Colony of the Transvaal
Pretoria

The Petition of the Undersigned Abdul Gani in His Capacity as Chairman of the British Indian Association

humbly sheweth that:

Your Petitioner is the Chairman of the British Indian Association which represents the British Indians residing in the Transvaal.

Your Petitioner, on behalf of the Association above named, respectfully protests against the amendment made in clause No. 11 of the Draft Ordinance for Elective Municipal Councils now under consideration by this Honourable House.

The amendment, imposing as it does a disqualification from becoming voters at the election of Town Councillors on the British Indians among others, casts a slur on the ancient and loyal Indian race.

The Indian community has followed, not without a great deal of pain, the debate in this Honourable House on the clause in question, in that they have been treated on a footing of equality with the Natives of South Africa.

Your Petitioner begs leave respectfully to remind this Honourable House that the Indian nation has been used to Municipal self-government for ages past, as the following from Sir Henry Sumner Maine's works would show.

> It does not appear to me a hazardous proposition that the Indian and the ancient European systems of enjoyment and tillage by men grouped in village communities are in all essential particulars identical. . . .
>
> No Indian phenomenon has been more carefully examined, and by men more thoroughly in earnest, than the village community. For

> many years past the discovery and recognition of its existence have ranked among the greatest achievements of Anglo-Indian administration. . . . If very general language were employed, the description of the Teutonic or Scandinavian village communities might actually serve as a description of the same institution in India. . . . The description given by Maurer of the Teutonic Mark of the Township, as his researches have shown it to him, might here again pass for an account, so far as it goes, of an Indian village.

At the present day in India, there are hundreds of Municipalities which are managed by Indian Councillors.

Many Indian residents in the Transvaal have exercised the Municipal franchise in India.

Nor do the articles of Surrender referred to as the Treaty of Vereeniging, in your Petitioner's humble opinion, affect the position of the British Indians since they apply only to the Natives, as will appear from clause 8 thereof which provides that "the question of granting the franchise to natives will not be decided until after the introduction of self-government".

The question, therefore, of the kind of franchise does not arise in the case of the British Indians.

The dominance of the British race in South Africa, in your Petitioner's humble opinion, would not be affected by granting the Municipal franchise to such British Indians as may be otherwise fitted for its exercise.

The distinction of colour, although legally made and recognized by the late Government, is repugnant to the British Constitution and, your Petitioner respectfully submits, subversive of the broad foundation on which the British Empire is built.

The amendment in question, your Petitioner submits with deference, disregards the feelings of the British Indians altogether.

Your Petitioner, therefore, humbly prays that this Honourable House would reconsider the amendment and extend justice to the loyal British Indians or grant such other relief as to this Honourable House may seem meet.

And for this act of justice and mercy, your Petitioner shall, as in duty bound, for ever pray.

ABDOOL GANI
CHAIRMAN,
BRITISH INDIAN ASSOCIATION

India Office : Judicial and Public Records, 402

259. THE BRITISH INDIAN IN SOUTH AFRICA

(TRANSVAAL)

In the last issue we gave a bird's-eye view of the legal disabilities of the British Indians in South Africa. The Transvaal deserves more than passing attention. There, as our readers will recollect, the struggle is most acute. The restrictions are most galling. What adds to the difficulty is the utterly unsympathetic attitude of the officials who are in charge of the Asiatic Department.

Under the Boer rule, while the laws were very harsh, the administration was as lax as it well could be. The officials who had to enforce the laws did not share the prejudice that gave birth to them. The Government was by no means over-anxious to drive the Indian traders who had a large number of Boer customers into Locations; and, if it ever showed signs of activity, the protecting hands of the British Agent were stretched forth to stay it. We cannot but recall with deep gratitude the encouragement given by the then Vice-Consul, Mr. Emrys Evans, who, when he heard that the British Indians had received peremptory notice to go into Locations, said in effect: 'Ignore the notice, and if any force is attempted, I will protect you.' Naturally then, although the position was undoubtedly one of suspense and uncertainty, Indians traded in the Transvaal practically without any molestation. Many traded on the strength of tenders of licence money, others in the names of Europeans. And all this was done openly. The Government knew it, and connived at it. An attempt to enforce the foot-path bye-laws was met by a severe protest from the then High Commissioner; and Dr. Leyds conveniently disclaimed any knowledge of the attempt, and assured Her late Majesty's Government that it was not the intention of the Boer Government to enforce the bye-laws against the Asiatics. Of course, the immigration was totally unrestricted.

But now the position is entirely changed. There is no more any laxity, no more connivance. Some of the officials are sorry for past mildness which prevents them from enforcing the legislation as they would. There is no effectual protest against their acts. The result is that justice is unattainable, unless our countrymen approach His Excellency the Lieutenant-Governor

who, we are aware, is anxious to hold the scales evenly. After British occupation, the policy of the Government was to respect the position that the Indians held before the war, pending new legislation on the question. Most of the few refugees who were fortunate enough to reach the Colony during the first few months were, therefore, allowed licences to trade in townships. At present, however, that policy has been set aside in favour of one of severity. An Indian trader is not allowed to have his licences transferred to another person. He cannot, therefore, sell his business as a going concern. There was no such difficulty during the Boer rule. Attempts are being made by the local authorities in different parts of the Colony to enforce the foot-path bye-laws. Immigration has for the present been virtually stopped. The Plague scare has provided a good excuse for prohibiting it altogether from Natal. And it is after great difficulty that Indian refugees get permits to return to their homes from Delagoa Bay or Cape Town. Contrast this with the almost unrestricted immigration of the European newcomers who are not British subjects. The institution of the Asiatic Offices has filled the cup of woe, and has marked a sharp distinction in the eye of the law between Europeans and Indians. The division is, therefore, not between British subjects and non-British subjects, which would be a natural division, not between the civilized and the uncivilized, as Mr. Rhodes laid it down, but it is the most unnatural, namely, between the white people and the coloured people. Such, in brief, is the dark cloud that hangs over our countrymen in the Transvaal. But we do not despair. We have unfailing faith in British Justice. And we hope and believe that the present situation is but a storm before a calm. We know Mr. Chamberlain's advocacy of our countrymen's cause in South Africa during their troubles under the late foreign rule; we have read his address to the Colonial Premiers[1] laying down the rule as to immigration; we have also the speeches of the Imperial Ministers on the outbreak of war as an earnest that we would not be thrown overboard; and last, but not least, we believe in the watchfulness of the All-Wise Providence who dispenses Justice with an unerring hand.

Indian Opinion, 11-6-1903

[1] *Vide* Vol. II, pp. 287-8.

260. THE LION AND THE LAMB

Once upon a time a lamb was drinking from a sparkling stream when a lion, so the story says, came upon the scene. Wanting to find some pretext for devouring the lamb, he muddied the water, and saddling the responsibility upon the lamb, began abusing him. "Sire," said the lamb, "the water is running from your side, so I could not have dirtied it". "Shut up," said his lionic majesty, "if it is not you, it must be your father." "But my father is dead," gently pleaded the lamb. "Stop all that nonsense, it must be some kinsman of yours, then," and so saying, the lion made short work of the lamb. This was in the immortal Aesop's days. In our days, the European lion wishes to repeat the feat on the Indian lamb. He, therefore, says in effect to the Indian, "I will have none of you, for you dwell in shanties, and live on the smell of an oil rag." The poor Indian pleads, "But won't you look at the fact that all these years I have been trying to live as you do? In the whole of Grey Street, for instance, I have been replacing the shanties by substantial buildings, and the process is slowly but surely going on." "So much the worse for you then," roars the European lion. "How dare you build such palaces and encroach on my preserves? You are certainly doomed now." Such is the gist of the minute presented by His Worship the Mayor of Durban on the proposed Asiatic Bazaars. Like the boy in the tub in a well-known pictorial advertisement, the Europeans won't be happy till they have "got it"—namely, the extinction of the free Indian.

The fact that some Indians have prospered during the last few years, bought landed property, and built substantial structures, for which they have put thousands of pounds into European pockets, is too much for the Europeans. But we had expected better things from the sober-minded, patriotic and just Mr. Ellis Brown[1]. We venture to say that his Bazaar proposal is neither sober nor patriotic, and the manner in which he has seen fit to support it is hardly just. The proposal cannot be sober, because it is not considered final in the land of its birth, and is now being reconsidered. It is not patriotic, because it

[1] Mayor of Durban

has been made irrespective of what his fellow-British subjects would think of it. As to the manner in which it has been supported, the less said about it the better. That a gentleman occupying the civic chair of the Borough should make random statements which cannot bear the searchlight of facts is very distressing indeed. We can only hope that under the spell of Lord Milner's authority, and in the hurry of the modern rush, having no time to study the subject, the injustice done to the Indian community has been unconsciously done.

For he who runs may read that the Immigration Restriction Act has not proved a failure from the anti-Asiatic standpoint, and that the Indian community has been groaning under the weight of the system of certificates and passes issued under the law, and the police supervision exercised on every ship bringing Indian passengers. We commend to our readers' attention the latest Report of the Immigration Restriction Officer. As to the Dealers' Licenses Act, unless His Worship accuses the Town officers in the Colony of not carrying out their duties conscientiously, a material increase in the Indian licences is impossible, if only because traders are absolutely at the mercy of the licensing officers. We ask for figures.

One of the most potent causes of the revival of the anti-Asiatic feeling is the continued increase of indentured labour from India. We read that the Immigration Trust Board is unable to cope with the ever-increasing applications. But the Colony persists in committing that sin, and wishes to avoid the consequences. We say with all the earnestness we can command: stop the indentured immigration, and you will soon see the number of Indians in the Colony materially diminishing as years roll by. It would furnish a practical demonstration as to whether the Colony can or cannot dispense with such labour. If it can, well and good. If it cannot, then it will be a potent reason for stopping the 'pin-prick' policy towards the Indians.

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261. LORD MILNER ON THE ASIATIC QUESTION

His Excellency the High Commissioner for South Africa has boldly spoken out against the "savagery of the opposition" to the Asiatic. He would have none of the colour distinction. 'Equal rights for all civilized men South of the Zambesi', is His Lordship's motto, as it was that of the late Mr. Rhodes. His Lordship repeated the sentiments to the British Indian Deputation that waited on him on the 22nd ultimo. He further assured it that the Government had no prejudice against the Indians, and that it did not like the laws of the late Republic as affecting them. For all this and much more in his reply to the Deputation, we are deeply thankful to His Excellency. But when Lord Milner descended to particulars and the practical applicability of his propositions, we confess to a feeling of disappointment. Take the Asiatic Office. The officers are all estimable men, and we should be sorry indeed if they were not provided for in the event of the disestablishment of that Office. And yet, what good has it done? Let us consider His Lordship's justification. A member of the Deputation said that he could not see the Colonial Secretary: therefore, said His Excellency, the Asiatic Office was a necessity; the Indian could have his grievances heard there. The Indian does not find it so. The Asiatic Officer at present is merely a conduit, and a very faulty one because of the constitution of his office. In not a single instance is the Indian able to avoid having to see the regular officers whenever he has any business to do: such is the report that reaches us from the Transvaal. Having nothing of importance to engage his attention, he 'finds some mischief still to do'. For, is it not the Asiatic Office that has invented the system of taking photographs and branded its protégé as a criminal? With due respect to His Excellency, we do think that the man who has the practical experience is a better judge of the usefulness or otherwise of the thing experienced.

His Excellency is emphatic on the £3 tax. Our countrymen in the Transvaal have thought fit, and we think wisely, to bow to His Excellency's decision, and not to appeal to Mr. Chamberlain. At the same time, it does appear inconsistent to a lay mind that His Excellency should in theory object to colour

distinction, and in practice justify the imposition of a penalty on colour. For to us, it is not the amount but the principle that is objectionable. A Kaffir is to be taxed becuase he does not work enough: an Indian is to be taxed because he works too much, as Sir Hiram Maxim would say. The only thing in common between the two is that they do not wear a white skin.

His Excellency justifies the Bazaars on much the same ground, namely, that of colour. The Deputation very reasonably suggested that the removal to Bazaars should be left optional; it would be found that the poorer class of Indians would go to Bazaars of their own accord. But His Lordship could not see his way to do that. Why? Because the Indian is a coloured man! There is no law to force the poor whites to the particular quarter. The idea of compulsion is hateful to the Englishman, as applied to himself. An erudite Bishop once said that he would see the whole English nation rather free and drunken than bound and sober. The Indian may not go the same length with the learned divine, but it may be permitted to him to resent compulsion when its effect is to degrade him.

But there is consolation in the thought that the Bazaar Notice against which the Deputation protested is merely temporary, and that His Excellency is now considering new legislation. We only hope and pray that Providence will so guide His Excellency that he will bring out legislation that will put to an end once and for all the eternal anxiety and stress under which the Indian has been groaning in the Transvaal. Indeed, it is time that the Indian had rest from the pin-pricks to which he has been subjected there for the past eighteen months at least, more than during the old regime.

Indian Opinion, 11-6-1903

262. *"WITH WHAT MEASURE", ETC.*

We request His Excellency Lord Milner to ponder over the verse we have adopted as the heading of this note. His Excellency has seriously proposed to the Indian Government that it should let him have indentured Indians for developing the resources of the Transvaal on the understanding that, as soon as their indentures are finished, they should be compelled to return to India. The Indian Government so far seems to have turned a deaf ear to the proposal. But we ask His Excellency

whether he would for a single moment accept such a proposal, as he has made to the Indian Government, for the Europeans? We think not. We are entirely at one with the White League, that there should be no assisted Indian immigration, and that encouragement, and even assistance, should be given to white men. We certainly appreciate the sentiment that the country being suitable for European settlement, it should be kept for them so far as it is consistent with the well-being of the Empire as a whole. Where we beg to differ from it is when it would shut out free Indian immigration altogether, or refuse equal opportunity to the Indians who have already settled in the country. The true solution of the colour prejudice is not in treating every coloured man as a beast, an animal having no feelings, but in actually flooding the country with white men. If this cannot be done, if you must introduce Indian labour, then we say, be just, be fair, do unto us as you would be done by.

Indian Opinion, 11-6-1903

263. THE BRITISH INDIAN IN SOUTH AFRICA

Orange River Colony[1]

We reproduce in another column the full text of the anti-Asiatic law of the late Orange Free State. That law allows no footing to the Indian. He may be allowed to remain in the State practically as a labourer, pure and simple, and that, too, not without the permission of the State President. Should he be found without this permission, he is liable to pay a fine of £25, or to go to prison for 3 months. He must pay a poll-tax of ten shillings per annum. Curiously enough, the law does not apply to the Malays from the Cape Colony. This law is allowed to blot the statute-book of this British Colony of Orange River, though over two years have elapsed since the British occupied the country.

The history of the legislation is briefly this. There were in the Colony, before 1890, a few Indian merchants who so roused the ire of the European merchants that the latter presented a petition to the President making all sorts of charges against the entire Indian race, one of which was that it considered women as soulless,[2] and another was that it introduced

[1] Orange Free State renamed after its annexation by the British
[2] *Vide* Vol. II, p. 28.

all kinds of loathsome diseases into the State. There was no *convention* with Britain enabling it to stop the then President from complying with the wishes of the good merchants who were afraid of the entry of the people with no sense of morals and tainted with horrible diseases. The law in question was, therefore, passed. Indian merchants were hounded out of the State without compensation. The British Government was approached, but it felt powerless. It had no jurisdiction. So the sinning merchants had to suffer losses to the extent of nearly ten thousand pounds sterling.

The question naturally arises, has the British Government any jurisdiction now? Two of the old merchants, we understand, have already tested it and got a reply in the negative. Under the existing law, the Colonial Government says, it cannot grant them permission to resume their trade. Asked when the law will be repealed or modified, it has no knowledge. The British Government, therefore, has either no jurisdiction or no willingness to rescind or alter the law. It has changed and abrogated many laws in that Colony, but not this.

It was said in the early days of British occupation, that the law could not be even modified until civil government was established. When civil authority did take the place of the military, Mr. Chamberlain's visit was to be awaited. Mr. Chamberlain has come and gone, and yet nothing is done—why?

Before the war, everybody was agreed that, as soon as it was over, all British subjects would be free in the two Republics. May we not appeal to every true Britisher and ask whether he approves of the above law?

The Indians have no desire to flood that Colony, or, for that matter, any other. But loyal as they are, we think that they are perfectly justified in asking that the law may be brought into harmony with the British sense of right and justice. Every Indian child is taught to sing, before he reaches Standard IV of his vernacular school in India, that under the British rule there is no inequality, the lion cannot hurt the lamb—all are free and well protected. Having been nurtured in such sentiments, we find it hard to understand the practical working of that mighty Government in this sub-continent. The European lion bids fair to swallow up the Indian lamb in British South Africa, while the arbiter at Downing Street is looking on!

Indian Opinion, 18-6-1903

264. IS IT IMPERIAL OR EMPIRICAL?

The debate in the newly formed Legislative Council of the Transvaal on the Elective Municipalities Ordinance would be an extremely interesting reading if it were not painful. How the non-official members of the Council argued themselves into the belief that it was strictly just to debar all coloured people from the exercise of the Municipal franchise, whether they were British subjects or aliens, passes our understanding. Indeed, if we did not know that Sir George Farrar[1] voted against the Government clause, we would have considered him to be a champion of the reasonable rights of coloured British subjects. For, we read that Sir George Farrar twitted Mr. Harry Solomon for his *volte-face*; in fact, before the war, he was always inclined to treat coloured people justly; and that, now that the British Government was established, he disregarded them entirely as members of the Empire to which he and they belong. Sir George Farrar admitted that it would be very offensive to the coloured people if they were debarred from the municipal franchise, because they happened to wear a brown skin; but as he was only a nominated member, Sir George thought that he could not possibly vote in favour of the Government clause. Now, what is the Government clause?

It provided that all who could read and write, *to the satisfaction of the officer*, either English or Dutch, and possessed certain property qualifications, were entitled to be placed on the voters' roll. Every member admitted that under that clause hardly a few coloured men would be able to have their names placed on the voters' roll. So, evidently, the question, as Mr. Loveday frankly and bluntly put it, was purely and simply, "one of colour". It was not, then, as Sir Percy Fitzpatrick would have us believe, a question of keeping up the dominance of the British race. Indeed, it is assured beyond a doubt and, if we may put it with due deference to Sir Percy, we think that the action of the non-official members has certainly contributed to weaken the hold of the Empire on a portion of loyal British subjects. The argument was strong, also from the articles of

[1] A nominated member of the Legislative Council of the Transvaal

Surrender, to the effect that if the articles were not broken to the letter by this Government clause, they were certainly broken in spirit, in that the Boers could not draw a distinction between municipal and political franchise! Now the clause of the article referred to by the honourable members says: "The question of granting the franchise to natives will not be decided until after the introduction of self-government." Even assuming that there is any force in the argument, it evidently does not apply to coloured people other than the natives of South Africa, and therefore, certainly not to the British Indians, with whom alone we are at present concerned. If the action of the non-official members was surprising and painful, what shall we say of that of the Government which, after making a most able defence of their clause, and after having a majority in favour thereof, had to yield to the non-official members? We make bold to say that this is really going too far; and it very much appears as if the Transvaal was going not only to rule the whole of South Africa, but to trample under foot all that is most dearly cherished by the British Constitution, and that has stood the test of time. Sir Richard, in announcing the decision of the Government to yield to the wishes of the thirteen non-official members, said that, on a question of that kind, the Government did not intend to override the feeling of the non-official members. We, in our simplicity, would have thought that it would be exactly on a question of that kind that the Government would stand firm. Why should a few, no doubt very influential, men be able to dictate a material change in the fundamental policy of the British Government, it is difficult for us to understand. Perhaps, the remarks made by the non-official members to the effect that the measure in question was only temporary, and that there was no reason why within a few years a change should not be made in the clause admitting coloured people to the franchise, weighed with the Government. We have come to think that all such promises are absolutely vain. We do not believe that when self-government is granted, the prejudice against colour would be removed at a stroke of the pen. On the contrary, the action of the Government during the transition stage would be quoted as a precedent for future restrictive legislation; and that by that time the prejudice, having been fed, as it were, by the Government, would have hardened so much as to be ineradicable.

The cloud, however, is not without its silver lining. Although it was a voice in the wilderness, it was that of Mr. William Hosken, who was the only non-official member who spoke out

his mind boldly and fearlessly in favour of justice and humanity. If the other non-official members had no respect for the feelings of those whom by their action they were insulting, and if the Government in their wish to please them gave up the bare rights of the coloured people, Mr. Hosken at any rate showed by his action that he was not going to be a party to any such thing.

One thing we may venture to remind the honourable members of, viz., that the British Indians have known the privilege of municipal government for ages past. We have the authority of Sir Henry Maine, the late Sir William Wilson Hunter, the official historian of India, and a host of other eminent writers, for saying that India enjoyed municipal self-government long before even the Anglo-Saxon race. And, though we admit that the great race has now left India behind it in advancement, we hope the honourable members do not think that the instinct of self-government has so far forsaken us as to make us unworthy of the municipal franchise in the Transvaal.

Mr. Chamberlain came to South Africa as the apostle of Imperial unity. We well remember the occasion of the great meeting in the Wanderers' Hall; how every sentence of Mr. Chamberlain's speech was applauded; and how the Imperial spirit, as distinguished from the parochial, pervaded that great assembly. Is it, then, Imperial to "cast a slur" on millions of His Majesty's subjects simply for the sake of gratifying a bit of prejudice, or, as we have asked in the heading, is it Empirical?

Indian Opinion, 18-6-1903

265. "*PHYSICIAN, HEAL THYSELF*"

Now that the Durban Town Council has formally raised the question of Bazaars, we think it is not inopportune to ask the Council what it is doing with its Eastern Vlei and Western Vlei. We do not suppose any evidence is necessary to show how rotten and how filthy these two places are from a sanitary standpoint. We can only cite the testimony of the Hon. Mr. Jameson, the apostle of sanitary reform in the Colony, and Mr. Daugherty, the Sanitary Inspector, in justification of the strong expressions we have used in describing the two places in question. And they are filthy and rotten, not because it is the Indians who are living there, but because the situation itself is so

singularly unhealthy, and the sanitary control is so utterly insufficient. The Town Council has furnished an object lesson to the Indian community in sanitation by allowing "two plague spots" to exist in this model Borough of Durban. In discussing the Mayor's Minute on the Bazaars[1], the Town Councillors showed great anxiety for the welfare of the Indian residents, and they were good enough to argue that it was really in the interests of the Indians themselves that Bazaars were necessary for their residence. May we, then, ask the Town Council, first of all to deal with the Eastern Vlei and the Western Vlei, and put them in thorough order, and make them habitable before it thinks of undertaking the compulsory segregation of thousands of British Indians residing in the Borough? It is all very well to say that effective supervision is not possible when Indians are scattered about, and when their habits are so different from those of the Europeans. We join issue on both these points, and venture to say that even at the present time the Indians are all, as a rule, living in particular localities, and that their habits have really very little to do with sanitary control, because, the latter can be most effectively exercised in keeping with the Borough bye-laws, in spite of any habits to the contrary. Surely, the buildings are built in accordance with the plans approved by the Town Council; and, so far as the sanitary upkeep thereof is concerned, it is merely a matter of the Borough bye-laws being strictly and rigorously enforced. For, does the Town Council intend, if it succeeds in segregating the Indians, to leave them absolutely to themselves, without any sanitary supervision, or does it intend to exercise stricter sanitary control after segregation? How compulsory segregation is going to solve a difficulty that does not exist, we cannot understand.

Indian Opinion, 18-6-1903

266. *WHAT IS IT ALL COMING TO?*

It looks as if the Government of the Orange River Colony has not the remotest intention of altering or amending the drastic and un-British anti-Asiatic laws which it has inherited from the old Republican Government. For, one reads in the Government *Gazette Extraordinary* dated 19th May, a draft ordinance to provide for an increased *Poll-tax on coloured persons outside public*

[1] *Vide* "Minute by the Mayor", pp. 384-6.

diggings. If, as was hoped at the time of the war, and as is hoped even now by British Indians, the British Government would repeal the laws referred to, we do not understand this proposal to increase the poll-tax. We are aware that there is hardly any Indian population in that Colony. But we are trusting that, at no distant date, the door will be opened for reasonable immigration of British Indians into that Colony. Lord Milner is now supposed to be considering in what way and to what extent the anti-Asiatic legislation of the late South African Republic would be changed. Are we to suppose that, because there is no Indian population in the Orange River Colony, the door is for ever to remain closed against British Indians? We remember the time when, in reply to the protest by the British Indians against the laws of the Orange Free State, the Colonial Secretary said that it was an absolutely independent Republic, and that, much as he would like to help the British Indians, he was powerless. The Colonial Secretary is not now powerless. He has the control in his own hands. Will he exercise it on behalf of Right and Justice, or is he to be powerless against a new obstacle in the shape of downright trade jealousy and colour prejudice?

Indian Opinion, 18-6-1903

267. *A STUDY IN FACTS*

Sir Mancherji, to whom the whole of the Indian community in South Africa is beholden for his great advocacy, in season and out of season, of their cause, has put a question to Mr. Chamberlain to which the right honourable gentleman is reported to have replied as follows: "So far as Indians in the Transvaal were concerned, the old Law had not been enforced with its former rigour; indeed, considerable modifications had been introduced." We give below, in parallel columns, the facts of the matter, and make bold to say that the old laws are being enforced with a rigour unknown during the old regime.

BEFORE WAR	NOW
"The Indians were not compelled to pay the £3 registration fee."	"Every Indian has now to take out his registration on pain of being fined from £10 to £100, or on failure, being imprisoned from 14 days to six months."

"Any Indian could trade in any part of the Transvaal without a licence, in most cases simply as against tender of licence money; and this because of the protection of the British Government."	"Every Indian must remove to Bazaars for trade, except those who held licences to trade in town before War."
"Any Indian could live in any part of the Transvaal without molestation and without having to apply for exemption."	"No Indian, unless he receives a special exemption from the Colonial Secretary, may live in towns; but all Indians must remove to Locations, now to be called Bazaars."
"Indians could hold landed property, if only in the names of white people."	"It is extremely difficult for Indians to hold landed property now in the names of white people."
"Indians held 99 years' Leases in Johannesburg, under the old Government, for landed property in the Indian Location there."	"This land is now being taken away from them under 'Unsanitary Area Commissioner's Report'. There is no guarantee that they will receive an equal title to land elsewhere in Johannesburg in a suitable place."
"Indians were free to enter the Transvaal without any restrictions whatsoever."	"Even *bona-fide* Indian refugees are only sparingly allowed to enter the Colony, and then after nearly 3 months' delay after application."
"There was no separate Asiatic Department for Indians, with its passes and permits."	"The Asiatic Department has become a painful fact with the Indian community in the Transvaal, with its inconveniences which are now occupying Lord Milner's attention."
"Vested interests were never touched by the Transvaal Government, because of the mighty protection that was ever afforded to the Indians during the Republican regime by British Consuls."	"Some present 'licensees' possessing thousands of pounds' worth of stock are under notice to shift to Locations at the end of the year: although they received the licences from British Officers."

The above is merely a sample of what is now happening to the British Indians in the Transvaal. After two years' British occupation, they are unable to say what definitely their position is under the flag whose protection they have been taught to rely upon from childhood. What was running in Mr. Chamberlain's mind when he allowed himself to make the statement above

referred to, we do not know. Sir Mancherji would be rendering a great service if he would press for a definite reply to the indictment drawn up above.

Indian Opinion, 18-6-1903

268. PETITION TO LEGISLATIVE ASSEMBLY, NATAL

DURBAN,
June 23, 1903

THE HONOURABLE THE SPEAKER AND MEMBERS OF THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF NATAL
IN PARLIAMENT ASSEMBLED
PIETERMARITZBURG

THE PETITION OF THE UNDERSIGNED REPRESENTING THE BRITISH INDIANS RESIDING IN THE COLONY OF NATAL

HUMBLY SHEWETH:

That your Petitioners respectfully approach this Honourable House with reference to the Bill to place closer restrictions on Immigration, now before this Honourable House for consideration.

Your Petitioners, while accepting the principle of the Bill, beg to submit that further restrictions which are now sought to be imposed by the Bill in question are, in your Petitioners' humble opinion, unnecessary.

They are:

The raising of the educational test by sub-section A of Section 5.

Fixing the age of majority at sixteen under sub-section F of Section 4.

The necessity for an applicant for a visitor's pass to attend before the Immigration Restriction Officer, or other Officers thereto appointed under Section 23.

The requiring of a residence in Natal for a period of not less than three consecutive years under Section 32, to entitle an applicant to claim the benefit of sub-section F of Section 4.

The denial of the benefit of domicile to indentured Indians in spite of at least five years' service in the Colony.

Your Petitioners would venture to discuss seriatim the clauses referred to above:

According to the last report of the Immigration Restriction Officer at Durban of the working of the present Act, it

appears that only one hundred and fifteen Asiatics entered the Colony having passed the education test. Your Petitioners submit, with due deference to the officer who has, in spite of the above figures, advised a higher education test, that the number that has entered the Colony under the test is very insignificant, and does not justify a higher test. In fact, the opening remarks of the Immigration Officer would go to show that the Act has worked very satisfactorily, and that it has to a very great extent answered the purpose for which it was framed. But if this Honourable House is of opinion that the education test should be raised, your Petitioners humbly submit that this would be a suitable opportunity for granting the request of the Indian community that was made to this Honourable House when the present Act was introduced, namely, that the education test should recognize the principal Indian languages. Your Petitioners would then cheerfully submit to a higher educational test all round. It may be mentioned that millions in India are totally illiterate, and they would, therefore, be still prohibited immigrants under the Law. Such a test, moreover, will free the Act from the appearance of being offensive to the Indian nation.

The fixing of the age of majority at sixteen will, your Petitioners submit, be a very great hardship to those who are entitled to immigrate to the Colony, more so to the Indians. As this Honourable House is aware, Indian children are not withdrawn till after they have reached the age of over twenty-one years from parental control, and it will be a most serious thing for a domiciled Indian in the Colony to contemplate the abandoning of his children while they are yet hardly sixteen years; how close the family tie is in India, your Petitioners need hardly point out.

Your Petitioners trust that the requiring of the attendance of an applicant for a visiting or an embarkation pass before an officer is merely an oversight. An applicant may be resident in any place, and it is hardly to be expected that the Government would make provision for stationing Officers at each and every place out of the Colony. It would, therefore, be manifestly impossible that an applicant could always attend before Officers appointed under the Act for passes. Your Petitioners, therefore, submit that the attendance of an agent before Immigration Officers should be accepted as sufficient.

Hitherto, a period of two years' residence has been considered as sufficient to entitle an applicant to claim former domicile in the Colony. Your Petitioners humbly think that even

that period is too long, but to raise it to three years would prevent many members of the Indian community from returning to Natal, although they may have businesses and connections in the Colony. It may mean, in many cases, very serious loss to individuals.

Your Petitioners respectfully protest against the denial of simple rights of citizenship to indentured Indians who have deserved well of the Colony. Day by day the indentured Indian is becoming more and more indispensable for the prosperity of the Colony, and your Petitioners submit that he is entitled, by reason of his service, to most favourable consideration by this Honourable House.

Your Petitioners would venture to make a suggestion with reference to the Bill in question.

Now that the whole of South Africa has come under British control, it is respectfully submitted that all those who are domiciled in British South Africa be free to enter the Colony unless they come under any of the sub-sections C, D, E, F and G of Section 5 of the Bill. Your Petitioners venture to draw the attention of this Honourable House to the fact that in the Colony of the Cape of Good Hope such a principle has already been adopted.

In conclusion, your Petitioners hope that this Honourable House would take this humble Petition under favourable consideration and grant the relief prayed for herein, and for this act of justice and mercy, your Petitioners, as in duty bound, shall for ever pray, etc.

ABDOOL CAADIR
OF MOHAMED CASSIM CAMROODEEN & CO.
AND OTHERS

Indian Opinion, 25-6-1903

269. *THE BRIGHT SIDE OF THE PICTURE*

So far we have been dealing with the grievances of the British Indians in South Africa; and lest we may be understood to be merely harping on that one theme, as if there was no relieving feature, we hasten to assure our readers that, in our opinion, there is much to be thankful for even amid the difficulties that undoubtedly surround the British Indian community throughout South Africa. Indeed, if there was no bright side

to the gloomy picture that we have considered it our duty to draw in these columns, life would be absolutely unbearable for the Indians in this sub-continent.

It appears that the existing situation is, after all, inevitable, and that the white inhabitants are not perhaps much to blame, because circumstances control men's actions to a very great extent.

We are living among a thoroughly active and self-seeking (we do not use the latter term in any disparagement) community here, and there is no elbow-room to be found for those who would not help themselves or see to it that rights are not infringed: colonization can only be made on that condition. It is only too true that people do not emigrate to the Colonies from any altruistic motives, but that they do so in order to better their material position to be wealthier, happier, and stronger in every respect. Such being the condition and such being the only aim for the time being, the members of the European community are slow, if not absolutely unwilling, to tolerate any competition with them in the same department of life in which they may be engaged and that, to our mind, is the key to the whole situation. If it were not for the presence of a large number of coloured people in South Africa, there would have been a warfare—we mean pecuniary warfare—going on between one white race and another, the same as we see going on at present in Europe. England, which has been the only apostle of Free Trade, finds one of its foremost men championing a mild form of protection, the underlying motive of which is evidently to gain relief from foreign competition. We lay stress on this phase to shew how much need there is among ourselves for patience and also for thankfulness—patience, because the causes for the colour prejudice lie deeper than we ourselves may perhaps care to admit, and thankfulness, because the situation is due, not merely to the opposition to colour, but to well-defined laws which govern new communities.

But there are far stronger reasons for contemplating what is the bright side of the picture. Was it not the late Right Honourable Mr. Escombe who came to our rescue in our time of need? It may not be generally known that it was he who, when he realized what harm the Dealers' Licenses Act was doing to the Indians, threw the whole weight of his influence in our favour, and saw that justice which was due to us was done. It was he, again, who spoke word of encouragement and gave his blessings to the little band of Indian Volunteers who went

to the front.[1] His words to them have now become historic, because they were his last pronouncement before he was taken away from us. That speech throughout breathes nothing but the true Imperial spirit. Our readers will be able to call to mind many such happy incidents, the most noted of which was the generous response made by the Colony at the time of the acute famine which was raging in India in 1900.[2]

Looking beyond the border of Natal, we find Mr. Garlick, a member of the Legislative Council at the Cape, leading the British Indian Deputation and championing the cause which to him appeared to be just and honest. In the Transvaal we have Lord Milner defining for the Colonists a true policy that ought to be followed, and if we have cause to complain of His Lordship's views when they are translated into acts, we can well believe that it is not because he is less willing, but because he considers himself to be powerless. We find also Mr. William Hosken ranging himself on the side of right and justice.

We may go on repeating such amenities of the Indian life, but we think we have mentioned enough to show that we have every reason to be hopeful as to the future, and to think that, as the European community grows older, the awkward corners would be rubbed out, and that the different members of the Imperial family in South Africa would be able to live in perfect peace in the near future. That time may not come within the present generation; we may not live to see it, but that it will come no sane man can deny; and that being so, let us all strain our every nerve to hasten its coming, and that can only be done by calmness in discussion and strict adherence to facts and high ideals, and last, though not least, by trying to step into the shoes of our opponents and endeavouring to find out what may be running in their minds—to find out, that is to say, not merely the points of difference, but also points of agreement.

Indian Opinion, 25-6-1903

270. THE NEW MOVE

We have read the new Immigration Bill which is to be introduced by the Government during the present session of the Natal Parliament. One thing we have all to admit, namely,

[1] *Vide* "Speech at Indian Ambulance Corps", pp. 153-4.
[2] *Vide* p. 195.

that the Home Government will not interfere with the right of the self-governing Colonies to regulate immigration within their borders so long as they do not, in so doing, tread upon the fundamental British policy. We have, therefore, nothing to say against the introduction of the Bill in question, excepting that the present Act has not received a fair trial, and that so far as it has gone, it has not failed to satisfy the expectations that were raised when it was first introduced. We also venture to think that the whole situation has not been carefully examined. However, seeing that the Government have brought in their Bill, it will perhaps be a hopeless task to expect them to withdraw it altogether, but we would say this that while they are about it, will it not be graceful to concede the just demands of the Indian community which is vitally affected by it?

We do not think that there is the slightest occasion for raising the educational test. Mr. Harry Smith[1] has stated in his last annual report that about one hundred Immigrants entered the Colony, having satisfied the educational test. Now, that in our opinion is eloquent testimony in favour of the sufficiency of that test; but, if the Government think that the test ought to be made more severe, then we do sincerely hope that they would take into consideration the reasonableness of the demand that has been made during all these years by the Indian community that the test ought to recognize the great Indian languages which belong to the same Aryan family as most of the European languages. At any rate, the experiment is worth trying. We can speak from experience that millions in India are absolutely illiterate, and that they would still be debarred from coming to the Colony under the more liberal test we have suggested, and if that test is adopted, we should have no quarrel with the set form being done away with, and that the knowledge required of any language should be more than elementary. If the experiment fails, and if it is found that thousands can gain entrance into the Colony, there can be no difficulty about modifying the educational clause. Our contemporary, the *Natal Mercury*, has said that it is well the Bill has been brought, because it brings the Natal legislation in harmony with the Cape legislation on the question. Unfortunately, the Natal Act has not copied the Cape Act in all its essentials, for the Cape Act exempts from its operation not merely those that are domiciled in the Cape Colony, but all that are domiciled in South Africa, provided, of course, they are

[1] Immigration Restriction Officer, Natal

not criminals or are not otherwise objectionable, and it is but right, now that South Africa has become British, that persons living in one part of it should be free to move about in other parts without difficulty or hindrance. The Bill in question, moreover, includes under the term 'domicile' a residence for a period of three years. This we consider to be very unjust. The Government instructions have been to grant certificates of domicile to all who can prove two years' residence; why the period should now be increased to three years it is difficult to understand —we do think that even two years' continuous residence is a severe requirement. As to the indentured Indians not being considered domiciled in the Colony after the completion of five years' residence, we can only say that there is no justification whatsoever for it. They are the most deserving and the most useful people in the Colony. In the words of the late Mr. Escombe, they give the best five years of their life for a paltry wage under conditions which perilously border on slavery, and to deny to these people, after they have become free, the elementary rights of citizenship, is, to say the least of it, very unjust.

We hope the Government will see their way to consider seriously the objections we have ventured to make in connection with the Bill. The Indian community, as they have often admitted, has deserved well of the Colony. So far as we know it has never been extravagant in its demands. It has always adopted a reasonable attitude, and has often exercised great self-control. If, therefore, we ask for a sympathetic hearing on its behalf, we trust we are not asking too much.

Indian Opinion, 25-6-1903

271. THE CAPE INDIANS AND SIR PIETER FAURE

We have to congratulate our countrymen at the Cape on the success of their deputation to the Honourable the Colonial Secretary, and on getting Mr. Garlick to introduce the deputation. Sir Pieter was decidedly sympathetic, and has promised to reconsider the Cape Immigration Act, to induce the East London Town Council not to enforce its foot-path bye-law against respectable Indians, and not to accept the Bazaar proposals that may be made by the Cape Municipality, without due consideration. All these are hopeful signs, and we doubt not that, if our countrymen at the Cape moderately but persistently

continue to make their voice heard, they will get the desired relief to which, as the *Cape Times* in the course of its remarks on the deputation admitted, the community is undoubtedly entitled. If the Cape Parliament would lead the way by recognizing the great Indian languages, it would have, in our opinion, performed a service to the Empire. It would go a long way towards conciliating Indian opinion, and would at the same time keep intact the principle of the Immigration Act. That the foot-path bye-law in East London is an anomaly would be admitted by any man, and the sooner it is done away with, the better. As Dr. Abdul Rahman aptly put it, he himself would be liable to be arrested for walking on the foot-paths in East London under the present regulations.

Indian Opinion, 25-6-1903

272. MR. CHAMBERLAIN ON THE INDIAN QUESTION

We notice in the cablegrams that have been lately published in the papers that, in answer to a question in the House of Commons, Mr. Chamberlain is reported to have replied to the effect that the Indians in the Transvaal had not complained of physical ill-treatment, and that there was nothing definite in the letter of the President of the British Indian Association at Johannesburg.[1] It is very difficult to understand the meaning of Mr. Chamberlain's reply from the meagre cables. It is quite true that the Indian community in the Transvaal, and, in fact, throughout South Africa, has never complained of systematic physical ill-treatment; it is the anti-Asiatic laws which have formed the basis for complaint; but we respectfully join issue with the Right Honourable Gentleman when he says that there is nothing definite in the letter of the President of the British Indian Association if he was referring to the Heidelberg incident. We have already reproduced the letter in these columns, and we make bold to say that it gives chapter and verse to shew that, at any rate, there was physical ill-treatment, but we are loathe to dwell on the incident in question, for we firmly believe that it was isolated, and that, whenever such things do happen, the higher authorities on the spot are ever ready and willing to see that justice is done. We are only concerned with the truth and definiteness of the statement made by the President of the British

[1] *Vide* "Letter to Colonial Secretary, Transvaal", pp. 353-5.

Indian Association, and as to that we know that, when the letter was first published, the opinion was unanimous that it betrayed a serious breach of duty on the part of the police.

Indian Opinion, 25-6-1903

273. *AN INSANITARY REPORT*

In another column, we reproduce a telegram to the Johannesburg *Star* purporting to be the substance of a report of the Sanitary Inspector in Krugersdorp on the condition of the Indian Location there. It is evident that the Sanitary Inspector, when he paid his night visit, had the saying in his mind, namely, that "if you want to hang a dog, call it a bad name". Really, it is monstrous how responsible officers can let their imagination cloud their reason entirely and allow themselves to make what are undoubtedly libellous statements. We do not wish to soil the editorial columns by quoting anything from the report which speaks for itself: we only hope that the Government will not be led astray from their clear duty by such highly coloured reports. At the same time, we wish very emphatically to warn all our countrymen about the serious position they are in at present in the Transvaal. While we have no hesitation in saying that the report of the Sanitary Inspector is most inaccurate, we feel constrained at the same time to admit that the condition of the Location at Krugersdorp is certainly not all that could be desired from a sanitary standpoint. While it is, perhaps, a complete answer to any charge that may be brought by the Health Board that the Location has been entirely neglected by it and that the fault is more that of the Health Board than of the Indian community if the Location is not in a perfectly sanitary condition, such an answer is a very poor comfort to us. We ought to be able to live decently and in a sanitary condition without requiring the supervision of the Sanitary Inspectors. If we could persuade our countrymen, be they the lowest, to follow out the plan suggested by us, what the Sanitary Inspector of Krugersdorp has pronounced will be turned into a blessing. Then, instead of feeling aggrieved at the report, we shall have to thank the Sanitary Inspector for having drawn upon his imagination in describing the condition of the Indian Location in Krugersdorp.

Indian Opinion, 25-6-1903

274. LETTER TO H. V. VORA

COURT CHAMBERS,
RISSIK STREET,
P. O. BOX 6522,
JOHANNESBURG,
June 30, 1903

MY DEAR HARIDASBHAI[1],

I have your two letters. I am very glad that Harilal is now out of danger. You know that I sent a cablegram[2] asking that he should be sent here with Chhaganlal, and I do hope that he will be sent here. By the time he reaches, the cold weather will have passed, and seeing that he must not go to school for some time to come, perhaps he will benefit by the change of climate and greater regularity of habits. Moreover, your ideas about natural living will be far better enforced here than there and I shall see, so far as possible, that he does not receive any drugs.

During my self-imposed exile, I have been overwhelmed with kindness of friends in India. I know that you and Revashankerbhai have supplied my place to Harilal. I do not wish to enlarge upon that subject. I can only wish that he was here to be attended to by me, and regret that he should have been a source of anxiety and worry to either of you.

I hope that you are not overworking yourself in your cases. I would like to know a little more about the nature of work you are getting there and the state of your health and that of the children. I know you will be anxious to know something about me.

I am doing fairly well with reference to the office work; in fact, during the few months that I have opened an office here, I notice that I have built up a decent practice and that I can afford to pick and choose. The public work, however, is of a most exacting nature and often causes very great anxiety.

[1] Haridas Vakhatchand Vora, a leading lawyer of Kathiawar, who pleaded against Gandhiji's excommunication after return from England in 1891, and later helped him in his early practice at Rajkot

[2] This is not available.

The result is that, just at present, I have to work from nearly a quarter to nine in the morning to ten o'clock at night, with intervals for meals and a short walk. It is a time of constant exertion and worry, and I see no prospect in the near future of the public work slackening. The Government is now considering the modification of the existing legislation, and one has to be very much on the alert. The thing is most difficult to foresee. Such being the case, I do not know what my future plans will be, but the more I look into things, the more I feel that it will be almost impossible for me to get away for several years. The thing is that I shall very likely have to repeat what I had to do in Natal. The question, then, is as to the fulfilment of my promise to Mrs. Gandhi. I told her that either I should return to India at the end of the year or that she should come here by that time. I am most anxious to fulfil the promise. How to do so is the difficulty. To return at the end of the year is out of the question. If, however, she would allow me to recede from the promise and not insist on coming here, there is a likelihood of my being able to return to India earlier than I otherwise would. In any case, according to present plans, I must not think of returning for three or four years. Will she consent to remaining there all that time? If she does not, then, of course, she must come here at the end of the year, and I must be content quietly to settle down in Johannesburg for ten years or so. It will, however, be a terrible thing to establish a new home here and to break it up as I did in Natal. Experience teaches me that it would cost a very great deal and, if there were great difficulties about it in Natal, they will be greater in Johannesburg. Please, therefore, consider this thing and, if Mrs. Gandhi is where you are, then you may all consult and let me know. I do think, however, that if she would consent to remain there, for the time being at any rate, it would enable me to give undivided attention to public work. As she knows, she had very little of my company in Natal; probably, she would have less in Johannesburg. However, I wish to be guided entirely by her sentiments and I place myself absolutely in her hands. If she must come, then she may make preparations in October and leave in the beginning of November. Between now and then there will be plenty of time for exchange of news.

I am very glad Bali[1] is not to be married this year. The

[1] Addressee's daughter

later she is married, the better it will undoubtedly be for herself and her future husband.

Yours sincerely,
M. K. GANDHI

From a photostat of the handwritten copy : S.N. 1

275. LETTER TO CHHAGANLAL GANDHI

JOHANNESBURG,
June 30, 1903

MY DEAR CHHAGANLAL,

I enclose a copy of my letter[1] to Haridasbhai. It gives all the news about me. Read it out and explain the situation here to your aunt. It is highly desirable that she should decide to stay on there, as life here is rather expensive. If she remains there, savings made in this place will enable her and the children to lead a comparatively easy life in India. In that case, I may be able to return home in two or three years' time. But if she insists, I shall not retreat from the promise I made her on the eve of my departure. If, however, she decides to leave, make all requisite preparations by October and take the first available boat in November. But do try to convince her that it will be best for her to remain in India. In consultation with Revashankerbhai, she may choose to stay either in Bombay or in Rajkot.

If you have not already started with Harilal, and your aunt intends to accompany you, bring Ramdas and Devdas also along with you. Proper arrangements should be made in regard to the accommodation and education of Manilal and Gokuldas in Bombay. Otherwise the education of both will suffer. But if Manilal is not willing to stay behind, let him also join you. It will be good if Gokuldas continues his studies in Bombay. Let me know his mind and also what Raliatbehn has to say about it.

Chi. Maganlal[2] seems to be getting on well. Now there is nothing left out.

Blessings from
MOHANDAS

[PS.]

Show this letter to Revashankerbhai. It has been written in great hurry and will be difficult to decipher. Sit with him and read it out carefully.

[1] *Vide* the preceding item.
[2] Addressee's brother and a close associate of Gandhiji

Bring as many books and photographs as you can from the list I sent you. It will be good if all the money is deposited with Revashankerbhai. Please see that Fuli is paid off. Go to Rajkot, if necessary and settle the account of Shivlalbhai. That will leave you with enough money for the journey.

If your aunt decides to stay in Rajkot, it will be better to bring Manilal here.

From the Gujarati original : C.W. 10994. Courtesy : Prabhudas C. Gandhi

276. THE BALANCE-SHEET

A merchant who, hugging to himself a contemplation of his stock and outstandings, loses sight of his liabilities is doomed to perdition. Nemesis overtakes him all of a sudden, and his stock and outstandings are swept away in one swoop when he finds himself surrounded by a torrent of creditors. His surplus then vanishes, and he becomes insolvent. A wise merchant, therefore, sees that his liabilities are punctually paid. He is then assured of a surplus, more or less large. As with individuals, so with communities; as in pecuniary affairs, so in political matters.

Having, then, taken stock of the principal grievances of the British Indians in South Africa, and shown, as we believe, conclusively, that the unreasoning and unreasonable colour prejudice is generally at the bottom of them, we propose now to examine the other side, and see how far we are ourselves liable for the situation. And unless we take care to know our faults and wipe them out, we may find, one fine day, that what seemed to be a credit balance has been turned into a deficiency.

We are, then, charged with insanitation and niggardly living. In our opinion, neither charge is technically provable. Our countrymen have often been able to produce conclusive evidence that as a class the British Indians are no worse than the Europeans, as to sanitation. It has also been shown that the Indian does not live on the smell of an oil rag. Boiled down, the charges amount to untidiness and extreme thrift. But, in matters political, where masses have to be dealt with, technical evidence is of little amount. The populace will insist on repeating that our habits are so insanitary as to be a

danger to the whole community, and that our mode of life is so low that we live on the smell of an oil rag.

It cannot be denied that we might have done better in either respect. While it is perfectly true that our poverty is responsible for our shanties and over-simple habits, no amount of poverty would be a sufficient excuse for gross untidiness and offensive simplicity observable in many an Indian home. It is certainly within our power to keep our huts scrupulously clean, and insist on living in a decent style even amid humiliating surroundings such as avail in the Eastern Vlei and Western Vlei in Durban, or Locations in the Transvaal.

We have an unique opportunity of learning from our neighbours. Left to themselves, a body of Englishmen would evolve order out of chaos, and would make a garden in a wilderness. Durban owes its elegance to English enterprise and English taste. As a matter of fact, the Indians have been earlier Colonists in Africa. A large Indian population settled in Zanzibar before the Englishman put his foot there. But the Indian settlers, though in many instances they have built substantial structures, have certainly not made it an elegant town. The reason is obvious. We lack the spirit of unity, co-operation, and a full measure of the spirit of sacrifice for the sake of the general good.

We look upon our troubles as a divine chastisement. If we would but learn the lessons that have to be learnt from our adversity, it will not have been lost upon us. We would emerge from the trial a community richer in social virtues, stronger in the justness of our cause, and, to take up the analogy we have used at the outset, with a far larger credit balance in our favour than we started with. We submit this before the thoughtful members of the Indian community all over South Africa.

Indian Opinion, 2-7-1903

277. TRUE IMPERIALISM

Mr. Chamberlain's reply to the Australian Colonies about the employment of Lascars on British ships is significant. Through Australia he has really addressed the Colonies generally, and has laid down the British policy in unmistakable terms, namely, that the coloured British subjects are entitled to be treated the same as the other British subjects. Let us hope that he will have strength enough to follow up the policy regarding the British

Indians in South Africa. Be that, however, as it may, he has placed the British Indians under deep obligations to him for his clear enunciation of the British policy on the colour question.

Indian Opinion, 2-7-1903

278. LETTER TO MOHANLAL KHANDERIA

25 & 26 COURT CHAMBERS,
RISSIK STREET,
JOHANNESBURG,
July 3, 1903

DEAR SHRI MOHANLAL,

I have your letter. You can get a licence only if the magistrate does you a favour, and not by right. I don't advise you to take up business. You may, if you can, buy land and property. They will be more profitable. You are not likely to earn much in business and, moreover, there is a strong temptation in it to have recourse to dishonest practices.

You need not apply for [a certificate of] exemption. Chi. Gaurishanker told me that he had not. If he has, he has made a mistake. It merely entitles one to live in a town. This is of no value. Apart from this, the Regulations will not come into force till December, so that, from every point of view, it is unnecessary to make an application.

With regards from
M. K. GANDHI

[PS.]

There was a telegram to say that the permit for Abdulla's son will be issued next week.

From a photostat of the Gujarati original in Gandhiji's hand : G.N. 6202

279. *LETTER TO G. K. GOKHALE*

25 & 26 Court Chambers,
Corner, Rissik & Anderson Streets,
Johannesburg,
July 4, 1903

DEAR PROFESSOR GOKHALE,

I have been sending you the papers in connection with the Indian situation in South Africa from time to time. Although you are, I know, overwhelmed with other public work, I see no way of avoiding having to trouble you about our grievances. It is felt that there is not enough sustained action taken in India and that unless the hands of the Viceroy, who, I believe, has been making ardent protests against the action of the Colonies, are strengthened by public opinion, the situation may be lost. The curious thing is that, even here, Lord Milner seems to be most anxious to do justice, but is almost frightened by what passes for public opinion on this side. As a matter of fact, the people in South Africa are so much engrossed in making money that they take very little notice of what is going on outside their own sphere. But there are a few interested agitators who continue to send in protests to the Governor against any relaxation of the old anti-Asiatic laws as well in the Transvaal as in the Orange River Colony. It is, therefore, I think, very necessary that to counteract the effect of such agitation, a well-directed movement ought to be taken up and continued throughout India. I hope that you will find time to take the matter up. You know what Mr. Turner said to me when I was in Calcutta, and I doubt not that, if you wrote to him or could see him, he would be prepared to take action.

I am writing to Mr. Mehta[1], but I hope you will see him in the matter.

I remain,
Yours truly,
M. K. Gandhi

From a photostat of the original : G.N. 4102

[1] Pherozeshah Mehta

280. *LETTER TO MOHANLAL KHANDERIA*

July 7, 1903

DEAR SHRI MOHANLAL,

I got your letter. If you are keen on business, I don't wish to discourage you. It is my experience that there is a good deal of dishonest practice in retail trade. Nevertheless, one who has courage can certainly remain honest.

You will of course have to make the application to the magistrate. However, there is no provision in law entitling an educated person to a licence in a town and I therefore think it unlikely that you will get one. Yes, I know the Colonial Secretary, but it is not possible to make a request for anything for which there is no provision in law. You must have seen in the petition sent to Lord Milner that it included a demand for such provision. Lord Milner has given an assurance [about this]. If the law is amended accordingly, I think there will be no difficulty. But you may try if you can get the thing done by seeing the magistrate.

With regards from
M. K. GANDHI

From a photostat of the Gujarati original in Gandhiji's hand : G.N. 6203

281. *THE PROCLAMATION OF 1858*

This memorable Proclamation, which has been rightly termed "the Magna Charta of the British Indians", is worthy of the attention and study of the people of South Africa, especially at a time like this, when a sustained agitation has been set up against British Indians throughout this sub-continent. It may not be out of place to refer to the origin of that document. As the world knows, the year 1857 was a year of great anxiety and trouble throughout the British dominions owing to the great Sepoy Revolt in India. At one time the cloud looked so black that even the final result had become a matter of uncertainty. An appeal was made to the worst superstitions of the people of India, religion was greatly brought into play, and all that could

possibly be done by the evil-minded was done to unsettle people's minds, and to make them hostile to British rule. It was at that time of stress and trouble that the great mass of the Indian people remained absolutely firm and unshaken in their loyalty. The late Sir John Lawrence has been called the Saviour of the Punjab, as indeed he was the saviour, in a very great measure, of the whole of British India. The reason, however, why he came to deserve that title was because he turned to the very best account the loyalty of the martial races of the Punjab, who had, only a few years before that eventful year, offered stubborn resistance to the British army at the historic field of Chillianwalla[1]. And throughout India did the masses remain faithful, and refuse to make common cause with the mutineers. All this was known to Lord Canning. He, in due course, transmitted to the late Queen-Empress the pathetic incidents that took place when the British Indians, at the peril of their lives, saved hundreds of English men and women. When, therefore, the Mutiny was ultimately stamped out, and when the time came for showing the Royal clemency, Lord Derby, the then Prime Minister, was commanded by the Queen to draft a proclamation. All the incidents connected with the draft have been preserved to us by the late Prince-Consort. We read in his work that the Queen did not like the draft because she considered it to be too tame, and not in keeping with the events that had taken place in India in connection with the Mutiny. She, therefore, commanded Lord Derby to re-draft it, laying stress upon the fact that it was a female Sovereign speaking to the millions of her faithful subjects who had just emerged from a terrible time, and that the Proclamation should be a document of freedom for the people of India, which they could treasure and value. It was then that the Proclamation in its present form was drafted and given to the people. It is superfluous to refer to the numerous occasions on which it has been referred to as the document giving the people of India full privileges and rights of British subjects. Viceroys after Viceroys have repeated the same thing, and Lord Curzon has, more than once, from his place in the Legislative Council at Calcutta, reiterated the promises made therein. Last, but not least, our King-Emperor, in his message to the Viceroy at the Delhi Durbar, said much the same thing.

Is it, then, any wonder that the British Indians, no matter where they go, invoke the aid of that Proclamation in their favour

[1] During the Second Sikh War, 1848

whenever any attempt is made to curtail their liberties or their rights as British subjects? We reproduce below the main portions of the Proclamation. Our readers will notice that in it there is absolutely no qualification whatsoever with reference to the place where the people to whom it was given are to enjoy the fulfilment of the promises given therein. It becomes necessary to mention this fact, as attempts have often been made in South Africa to explain away the document by saying that, as it was given in India, its applicability was confined merely to that place. As against this contention, we might, however, state that, in reply to a representation from Natal which referred to the Proclamation, Lord Ripon, the then Secretary of State for the Colonies, affirmed that: "The Queen's Indian subjects were entitled to the same rights in the Colonies as all her other subjects." Time and circumstances have thus combined to sanctify the Proclamation, and no matter what others may say to the contrary, it will ever remain a cherished treasure to the Indian community, wherever settled so long as the British Empire lasts.

Portions of the Proclamation referred to above:

> We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects; and those obligations, by the blessings of Almighty God, we shall faithfully and conscientiously fulfil.
>
> And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified, by their education, ability, and integrity, duly to discharge.
>
> In their prosperity will be our strength; in their contentment, our security; and in their gratitude, our best reward. And may the God of all power grant to us, and to those in authority under us, strength to carry out these our wishes for the good of our people.

Indian Opinion, 9-7-1903

282. *THE LABOUR QUESTION IN THE TRANSVAAL*

We have no desire to meddle with this peculiarly difficult problem, which is one for solution by those who are intimately connected with and affected by it; but seeing that, to a very large extent, it would affect the general Indian question and the position of the British Indians in the Transvaal, who have settled there of their own account as free men, and as the Labour

Question has often been mixed up with the general Indian Question, we can no longer sit still and merely look on as totally disinterested spectators.

Every report we have read of the meetings of the White Leagues and other Associations has, in dealing with the Labour Question, drifted into a discussion of the existing anti-Asiatic laws, as if they had the remotest connection with the proposal to bring in Asiatics under indenture.

The Cape Parliament has spoken in no uncertain terms. It has unanimously resolved against the introduction of Asiatic labour, and to send its resolution by cable to Mr. Chamberlain. That shows earnestness. The great meeting of the Boers at Heidelberg has come practically to the same conclusion. The Manifesto signed by Mr. J. W. Quinn, as chairman of the committee recently formed in the Transvaal, including prominent merchants of Johannesburg, has also emphatically proclaimed its opposition to any scheme to bring in Asiatic labour.

So far as the Indians are concerned, we think their opinion also would be on the side of the Cape Parliament, the Heidelberg meeting, and the Association headed by Mr. Quinn, though not perhaps for the same reasons as advanced by them. We have admitted in these columns that British dominance is a proposition which is beyond dispute. South Africa, and the Transvaal preeminently, has a climate which is well suited for white settlement and white immigration; the country has, moreover, inexhaustible resources, and England certainly requires an outlet for its paupers; so, looking at the whole question impartially, it is difficult not to sympathize with the opposition to an assisted immigration of Asiatics, whether it is the Indian, or the Chinaman, or even the Japanese. No matter what restrictions may be placed upon the liberty of the indentured labourers, as Mr. Quinn has stated in his Manifesto, if the people choose to exercise their rights as free men, no law could control their liberty beyond a certain limit. We, therefore, have no hesitation in agreeing with the view that in the long run assisted Asiatic immigration into the Transvaal would be disastrous to a white settlement. People will gradually accommodate themselves to relying upon Asiatic labour, and any white immigration of the special class required in the Transvaal on a large scale will be practically impossible. It would be equally unfair to the Natives of the soil. It is all very well to say that they would not work, and that, if the Asiatics were introduced, that would be a stimulus to work; but human nature is the same everywhere, and once Asiatic labour is resorted to, there would

not be a sustained effort to induce the Natives to work under what would otherwise be, after all, gentle compulsion. There would be then less talk about taxing Natives and so forth. Natives themselves, used as they are to a very simple mode of life, will always be able to command enough wages to meet their wants; and the result will be the putting back of their progress for an indefinite length of time. We have used the words "gentle compulsion" in the best sense of the term; we mean compulsion of the same kind that a parent exercises over children.

What, however, about the Asiatics themselves? The whole of the argument on the European side has been advanced from one point of view, and if it was at all possible to repeat the days of slavery, we have a suspicion that much of the agitation against the importation of Asiatic labour would vanish, and that people would be perhaps ready to import Asiatic labour if they could be assured absolutely that the labourers would ever be labourers, and that, at the end of their indenture, they would be transported back to their countries. But from an Indian standpoint, and, in fact, from an ethical standpoint, we have no hesitation in considering such a compact unholy. If the Colony must have Asiatic labour, it must suffer the full consequence of its introduction, and be prepared to grant the labourers the ordinary human liberty. Such a condition is admittedly out of [the] question for the Transvaal. The result, therefore, of the introduction of Asiatic labour would be unfair alike to the Asiatics and demoralizing to their masters. We have said before that it is the importation of Indian labour into Natal which has complicated the Indian Question not only in this Colony, but throughout South Africa; and we still hold the opinion that the true solution of the question lies in stopping assisted Asiatic immigration, and in assisting throughout South Africa white immigration, leaving under reasonable restrictions free immigration of all classes to work itself out. The balance will then be redressed, and there would be hardly any opposition to the Indian trader, or to Indian enterprise in general.

Looking at it, therefore, from every point of view, there is no doubt that so far as the Labour Question is concerned, the European as well as the Indian opinion is in perfect agreement, and we sincerely hope that Asiatic immigration will never be embarked upon in the Transvaal.

Indian Opinion, 9-7-1903

283. THE IMMIGRATION RESTRICTION BILL

We printed in a recent issue the petition[1] from Mr. Abdul Kadir and others, addressed on behalf of the Indian community to the Legislative Assembly. It lays great stress on the advisability of recognizing, for the purpose of the educational test, the principal Indian languages which are not only highly cultivated, but have an extensive literature, and are spoken by millions of His Majesty's loyal subjects in India. As the petitioners remark, even after the great Indian languages are recognized, there will remain millions of illiterate Indians who would be totally debarred by the Bill. Seeing that the Government have not hesitated to bring in a replacing Bill after a very short trial of the present Immigration Restriction Act, there can be no risk in making the small concession asked by the Indian community, for, if it is found that more than a fair number of Indians are able to avail themselves of the new test, such as to "alarm" the Colonists, the matter could be reconsidered, though we have no hesitation in saying that such a course would be absolutely unnecessary, unless it is the intention of the Colonists to prohibit free Indian immigration altogether.

There are other points raised in the petition which, too, are worthy of the attention of the Government. If the policy is to assimilate South African legislation on immigration, the privilege of domicile, as the petitioners request, ought certainly to be extended to all who are domiciled in South Africa, and not in Natal only. The Government might yield something, if only to foster the sentiment of unity under the same flag. If South Africa consisted of foreign States, it would be a different thing; but, as the inland States are now British Colonies, the distinction seems to be invidious. We consider that there ought to be perfect freedom of movement among the British Colonies in South Africa. Such sentiments have often been expressed by Colonial politicians, and it is a very opportune moment for bringing the Natal Bill into harmony with the Cape legislation.

The raising of the period of residence from two to three years under the Bill is undoubtedly a cause for complaint, and the petitioners have done well in protesting against it. We believe that even the arbitrary fixing of two years' limit to entitle a

[1] *Vide* pp. 415-7.

person to claim former domicile was considered to be unjust, but the raising of it to three years would disqualify hundreds of Indians who have practically made a home in Natal, and have become dependent on it for a living.

We, therefore, hope that the Government will be pleased to consider the reasonable request of the petitioners, and make the concessions which we doubt not will be very much appreciated by the Indian community. We wish to recall in this connection the brilliant speech made by the Honourable Sir John Robinson, when he was Prime Minister of the Colony, at the time of the introduction of the Franchise Bill. He then said that the House, by disfranchising the Indians, took upon itself a grave responsibility, and that by reason of the disfranchisement it became the duty of every member to represent Indians, and to see that no injustice was done to them, and that the Indian sentiments were respected as far as possible. We will anxiously await the result of the deliberations over the Immigration Bill. Will the House give effect to the words uttered by Sir John? Let us hope so.

Indian Opinion, 9-7-1903

284. THE PLAGUE

It is a matter for congratulation that Durban is declared free from plague. We had occasion in these columns to refer to the very strict plague embargo that was placed on Indians leaving the Colony for the Transvaal. We understand that the restriction still continues. It is really very difficult to account for it. We have all along considered that it was more a political move than a health precaution, and if the restriction has not been removed in spite of the Colony being declared absolutely free, it becomes purely and simply a piece of highhanded injustice, for which there can be absolutely no justification. We are aware that hundreds of refugees are only waiting to return to their respective callings in the Transvaal. It should be remembered that when the refugees were in receipt of public relief at the time of the war, the whole of the cost of supporting Indian refugees was taken over by the Indian community. Some of these refugees are still in Durban, and, though they are not now being supported by the Indian community in general, they are certainly being housed and fed by their friends. We appeal to the authorities in the Transvaal to see that the tension is relieved by removing the

embargo, and giving all facilities to the refugees to return to the Transvaal.

Indian Opinion, 9-7-1903

285. SPECIAL PLEADING

Our contemporary, *The Natal Advertiser*, has indulged in a bit of special pleading in justification of the now famous Mayor's Minute[1] on the proposed segregation of Asiatics. It bases the segregation on "salus populi suprema lex". We do not read "Europeani" before "populi". We, therefore, think that since the Indian is, after all, a human being, he is included in the term "populi". If so, what is the supreme law for the safety of the people in general? Surely, not to degrade a portion of them, and push them into ghettos or pens, as if they were so many sheep or cattle! Our contemporary proceeds: "Experience has proved that the unrestricted intermingling of the two races does not conduce to the highest interests of the European population", but it has failed to produce a single fact to prove the statement. The fact is that the Indian has made Natal the Garden Colony in South Africa. He has been officially described as "a sober, useful, and law-abiding citizen". We wonder if such people do harm to the country in which they settle. Our contemporary has used the word "intermingling". The fact is, there is no intermingling between the two races except in business. And that, we believe, will continue whether the Indians are compulsorily segregated or not, so long as our European friends choose to do business with them, or to avail themselves of their services. But apart from business intermingling, the Indians are at present, without compulsion, as a rule, living only in certain localities. Supreme the English are, and must remain, in the Colony. Nor do we want them to practise altruism in our favour. But we do request them not to use the supremacy in order to do us injustice, to degrade and insult us. "Fair field and no favour" is the just and reasonable demand of the Indian community. Our contemporary certainly performs a feat when it refuses to see anything in the speeches made at the Indian mass meeting to convince it that "any essential injustice will be wrought by carrying out the Mayor's proposals". Well, there is no convincing a man against his will. Otherwise, we might put it to our contemporary whether restraint on the

[1] *Vide* "Minute by the Mayor", pp. 384-6.

personal liberty of a body of people who have committed no crime is not an injustice—as the term is understood under the British Constitution. Our contemporary deplores that the Indian population is equal to the European. We may remind it that out of the 50,000 Indians nearly one-half are serving their indentures, and are, therefore, not to be reckoned for comparison for the purposes of the argument. The crux, however, is there—cease to import Indian labour, and the problem is solved.

Indian Opinion, 9-7-1903

286. PETITION TO LEGISLATIVE COUNCIL, NATAL

DURBAN,
July 11, 1903

TO
THE HONOURABLE THE PRESIDENT AND MEMBERS OF THE HONOURABLE THE LEGISLATIVE COUNCIL OF NATAL

THE PETITION OF THE UNDERSIGNED, REPRESENTING THE BRITISH INDIANS RESIDING IN THE COLONY OF NATAL

HUMBLY SHEWETH:

That your Petitioners respectfully approach this Honourable House with reference to the Bill to place closer restrictions on Immigration, now before this Honourable House for consideration.

Your Petitioners venture to submit herewith a copy of the petition addressed, on behalf of the British Indians residing in Natal, by Abdool Caadir and one hundred and forty-six others, to the Honourable the Legislative Assembly of Natal, as follows:[1]

Your Petitioners hope that this Honourable House will be pleased to give favourable consideration to the suggestions contained therein.

And for this act of justice and mercy, your Petitioners, as in duty bound, shall ever pray.

(Signed by) D. M. MATALA,
AND TWENTY-NINE OTHERS

Colonial Office Records: Memorials and Petitions, 1903; C.O. 181, Volume 53, Votes and Proceedings of the Natal Parliament

[1] Not reproduced here; for the text of the petition, *vide* pp. 415-7.

287. *ORANGE RIVER COLONY*

Some time after Mahmud Gazni had conquered portions of India, a poor widow from his Indian dominions, who could not get justice at the hands of his lieutenants, went all the way to Gazni in order to lay her complaint before the King. The reply that Mahmud is said to have returned was that he was unable to do anything for her, as his dominions were so far away from his capital. "Sire," promptly returned the widow, "if you cannot take care of your subjects in India, you have no business to rule there." The story is old, and well known, and it has a moral which is of very great significance at the present moment to the British Indians in South Africa, who occupy much the same position as the poor widow of old, and can bring exactly the same complaint before the King-Emperor. The reply, we know, would not be of the same kind that Mahmud returned to the widow; all the same, it has so far been one of hopelessness. Now it seems to be a question whether the Empire at large will not have paid too dearly for owning the Transvaal and the Orange River Colony if these possessions are to be allowed to tread upon the principles of British policy which have been cherished for hundreds of years. In our opinion, if that policy is to give way to one of caste and colour distinctions and prejudices, the boundless treasures and torrents of blood that have been poured on the South African soil during the war will have been poured in vain. And yet, when we come to look at the situation, such seems to be the opinion at least from an Indian standpoint, and the Indian standpoint, whether for weal or woe, means practically the opinion of millions of the King-Emperor's subjects.

This reflection arises from a perusal of the *Government Gazette* of the Orange River Colony, dated 3rd July. On page 1469 thereof, we read what purports to be regulations for the Natives of Pietersburg, framed by the municipality of that place, and sanctioned by the Honourable the Acting Lieutenant-Governor and the Executive Council. The heading would perhaps show that they do not apply to other coloured persons, but on a perusal of the 21 articles of those regulations, it will be seen that they apply to all coloured persons. Just at present, the interest that the Indians would take in such regulations would be more theoretical than practical,

seeing that there is no Indian population worth naming in that Colony; but we hope that at no distant date the gates of the Colony will be open to a respectable Indian immigration, no matter on howsoever small a scale. Then, these regulations would stare them in the face, and act with the same deadly effect that the regulations of the East London Municipality, to which we have referred in these columns, have been acting against the Indians in East London.

These regulations confine all coloured people within certain Locations. The Municipality has to keep a "list of all coloured inhabitants, such lists to contain the names, means of livelihood, the number of stock they possess, and the names of their masters". They are to take out passes from the Town Clerk, for which a yearly payment of 1s. must be made. All coloured persons coming from elsewhere have to register themselves within 48 hours of their arrival. They may not wander about in town after 9 p.m. It would be optional for the Municipality to allow a coloured person to own or not to own stock, and ownership without permission renders such coloured person liable to a penalty of 3s. for every head of large, and 6d. for every head of small stock. The arrival of a guest is to be reported to the Town Clerk immediately. They may not own dogs. No schools, public meetings, etc., are to be held without the permission of the Municipality in the Location.

The list is by no means complete, but this is a fair sample of the powers vested in the Town Councils with reference to the management and control of coloured persons. If we are mistaken in thinking that coloured persons include Indians and others, we shall be very glad to be corrected, though there seems to be absolutely no mistake as to the meaning of the term on the face of the regulations.

Well, may Sir Mancherji Bhownaggree and Sir Raymond West, who spoke at the meeting lately held under the auspices of the East India Association, express a feeling of despondency in the face of the regulations referred to in this article, and the suggestions that are being put forth from time to time in order to make the fetters of the British Indians heavier and heavier.

We commend these regulations to the attention of the Right Honourable Mr. Joseph Chamberlain, who came to South Africa as the peace-maker, and who assured every Indian deputation that met him that the British Indians were entitled to fair and honourable treatment. We appeal to him, as the author of the despatch to the Australian Commonwealth on the question of

the employment of Lascars; and we appeal also to Lord George Hamilton, who has, more than once, expressed himself in sympathy with the British Indian settlers in South Africa. We also appeal to Lord Milner, who, as the High Commissioner of South Africa, has, we presume, to look after the policy of the Empire at large and see that there is no break in its continuance so far as South Africa is concerned, to come to the rescue and, as he himself said to the Indian Deputation, settle the difficult question once for all on a reasonable and fair basis.

The regulations in question suggest another thought for the Indian community, namely, that in the British Empire any subject who is not ever on the look-out as to his interests is likely to be pressed out amid all sorts of complicated claims. It is, therefore, more than ever necessary for British Indians to remain on the alert, and, at any rate, to send in a respectful protest to the powers that be, whenever an attempt is made to curtail their rights. It is for them to ask; whether it will be granted to them or not is a question about which they need not trouble. The duty will have been done in the asking.

Indian Opinion, 16-7-1903

288. THE LABOUR IMPORTATION ASSOCIATION

We reproduce elsewhere the manifesto of the Labour Importation Association signed by Mr. G. H. Goch, Mr. J. W. Leonard, K. C., and other leaders of thought in the Transvaal. It follows closely on the heels of Mr. Quinn's manifesto. If we are asked to choose between the two, we should have no hesitation in casting our vote in favour of Mr. Quinn's document. It is very sad indeed, to contemplate gentlemen of Mr. Goch's broad sympathies and Mr. Leonard's culture and vast experience of human nature giving their signatures to a document which virtually favours a system of modified slavery, and has nothing to say in favour of poor indentured labourers.

The document in question is of interest to the Indians because we know that Lord Milner is now in communication with the Colonial and the India Offices, with a view to secure their permission to import Indian labour from India. It is evident that the conditions laid down by the Association on which non-African labour is to be imported would apply to the importation of Indian labour also. Now, if we understand the term "slavery"

correctly, it is a state in which a man sells his services for life beyond recall to a fellowman, and any attempt to shirk the same makes it a crime punishable by imprisonment. If this is a correct view of slavery, then what Mr. Goch and his co-signatories propose is nothing less than slavery for a term; for, according to them, the labourer is to sell his services for a term of five years, that he can only work as an unskilled labourer, that each employer is to be "bound to provide adequate guarantees to the satisfaction of the Government for his repatriation", and that he would be confined to compounds, and that severe penalty should be imposed for any violation of the Indenture Law.

If this is not temporary slavery, we should very much like to know what is? The vital difference between the ordinary contract of service and the proposed indenture is that, whereas in the first case the servant can free himself from the liability to serve by paying damages, and that in no case does the shirking of it become a criminal offence, in the other case freedom from liability is ordinarily impossible, and any breach of the contract renders the servant criminally liable. The issue, therefore, is absolutely plain. Shall Indian or other labour be exploited for the purpose of developing the resources of the Transvaal without recognizing the rights of those whose labour is to be exploited? We do not consider the payment of a wage, no matter how high, to be any satisfactory recompense to the labourer, in spite of himself, from selling his services at their market value, or from recouping himself for any loss he may have sustained by reason of his indenture after it is completed. Such a system was described by the late Sir William Wilson Hunter as "a system perilously near to slavery". We quote below the opinion of the late Right Honourable Harry Escombe, when a similar proposal was made in Natal. He gave the following evidence before the Commission that was appointed in Natal some years ago:

> A man is brought here, in theory with his own consent, in practice very often without his consent. He gives the best five years of his life, he forms new ties, breaks the old ones, perhaps establishes a home here, and he cannot, according to my view of right and wrong, be sent back. Better by far to stop the introduction of Indians altogether than to take what work you can out of them and order them away. The Colonists, or part of the Colonists, seem to want Indians, but also wish to avoid the consequences of Indian immigration. The Indian people do no harm as far as I know. In certain respects, they do a great deal of good. I have never heard a reason to justify the extradition of a man who has behaved well for five years. I do not

think that the Indian, at the expiration of his five years' service, should be placed under police supervision unless he is a criminal.

We only hope that the Colonists in the Transvaal will be helped, in spite of themselves, out of the unjust, unchristian, un-British attitude in which, from self-interest which blinds temporarily their sense of justice, they would place themselves.

Indian Opinion, 16-7-1903

289. *THE MAYORAL DEPUTATION TO SIR PIETER FAURE*

It is a healthy sign that at the Cape, at any rate, Sir Pieter Faure has been able to keep clear of the prevalent prejudice and look at the facts as they are.

Sir Pieter told the deputation of the Mayors of different Municipalities at the Cape, that he did not see any occasion for introducing any fresh legislation in connection with the proposal to segregate Indians. He also dispelled the fear as to the growing Asiatic influx, for he made it quite clear that the Immigration Act has been working very well and that there is not any congestion in the Colony.

This is a matter for our Legislators also to consider well. As we have said before, in Natal, the powers given to the Town Councils are very wide and that if any change in the legislation is necessary, it is in connection with the Licensing Act. We have also pointed out in these columns that in view of the Immigration Act there is no likelihood of any large Asiatic immigration, and that being the case, it seems to us to be totally unnecessary that there should be any compulsory segregation whatsoever. If the Colonists will take the trouble to go into the facts, it will be easily found that the alleged danger to the health of the community from the residence of Asiatics in several townships merely exists in the imagination of people who refuse to face facts as they are. We recall in this connection the evidence given before the Insanitary Area Commission at Johannesburg by Dr. Johnston, a gentleman who is an expert on sanitary matters and has a very wide experience of the South African climate. Dr. Johnston gave it emphatically as his opinion that he found nothing against the Indian inhabitants in Johannesburg so far as their sanitation was concerned, and that segregation was not a principle he could give his assent to from a sanitary standpoint.

We, therefore, hope that we have heard the last of the Bazaar proposal throughout South Africa, for even so far as the

Transvaal is concerned, we have Lord Milner's promise to the deputation that the existing legislation will be very soon replaced by laws more in harmony with British ideas.[1]

Indian Opinion, 16-7-1903

290. PROPOSED INDIAN BAZAAR AT THE CAPE

We are now enabled to give our readers a copy of the clause in the Private Bill of the Corporation of the City of Cape Town, which it seeks to promote in the Cape Parliament. It asks for powers to enable the Council to establish, maintain and control, either within or beyond the limits of the city, Indian or Asiatic Townships or Bazaars, and to compel the residence therein of Indians or Asiatics *who, by reason of their habits, manner of living, of overcrowding, may, in the opinion of the Medical Officer of Health for the City, be detrimental to public health*, and to charge rents for the use of Stands in such Townships and Bazaars.

The portion in italics is an amendment inserted by the advisers of the Council in order to meet the objections raised to it.

While the proposed amendment shews a willingness to respect the opinion of the Indian community, it hardly meets the wants, and it is too ingenious to deceive anybody, for one would have thought that, if there was anything objectionable in the manner of living or if there was any overcrowding, it would be a matter to be dealt with, not by sending people away from the Town and leaving them to continue such mode of living, but to remove it by careful watch and punishing breach of sanitary regulations whenever such a course may be necessary. Apart from the amendment, it is wonderful how each succeeding proposal for restricting the liberties of British Indians "goes one better" than the preceding one. The famous Bazaar Notice[2] in the Transvaal which set the ball rolling contemplates Townships *within* town limits. The Cape Town Council, however, has improved upon it and means to have powers to establish Townships either within or *beyond* the limits of the city. In view, however, of Sir Pieter Faure's reply to the Mayoral Deputation, we are hoping that we have heard the last of the Bazaar proposal so far as the Cape is concerned. We, however, deem it advisable to warn our countrymen at the cape to be very careful and to see that no cause is given for complaint in the way of overcrowding or insanitation.

[1] *Vide* pp. 365-6, 370.
[2] *Vide* pp. 352-3.

Seeing that every act of the British Indian is being most closely watched, it is his first duty to avoid giving a handle for any opposition.

Indian Opinion, 16-7-1903

291. WELL DONE

We have to congratulate Mr. Moor,[1] the Assistant Colonial Secretary of the Transvaal, on the noble stand he has taken up on behalf of his wards against the unreasonable attitude of the Health Board at Boksburg, as will appear from the report sent by its special correspondent to our contemporary, the *Star*. That there is cause for thankfulness in Mr. Moor having taken up a firm stand, is because our countrymen have been latterly so much used to the want of any help from authorities; otherwise, Mr. Moor, after all, has done no more than what the old Republican Government would have done under the circumstances. We understand that the present Location in Boksburg is far enough from the Township, but it does not suit the Health Board of Boksburg that the Indians should feel any security as to their lodgings or the goodwill they may have established in the place where they have been located for years past. It must be remembered that the present site was chosen by the old Government in none too generous a spirit. It is merely the force of circumstances that has brought some trade to the Indians residing in the Location. Now the Health Board would remove them to One Tree Hill, about 1½ miles, according to their own shewing, from the town, and where certainly there is not the slightest prospect of trade. It may be a fine situation from a sanitary standpoint, but unfortunately, the inmates of the Location are not in a position just yet to build health resorts where they can go to after the day's work. The attitude, however, of the Health Board need not excite the slightest surprise. The fault, if it is to be allocated anywhere at all, rests absolutely with the Government, which has allowed the people to think that it would be ready to tamper with the liberty of the British Indians, if there was a sufficient clamour for it. Do we not know that the Bazaar Notice has been justified by Lord Milner on the ground that there was a demand for the enforcement of the old legislation? It is a strange irony of fate that at the time of the Bloemfontein Conference in 1899[1], it was

[1] In which among others Sir Alfred Milner, British High Commissioner in South Africa, and Paul Kruger, President of the Transvaal participated

His Lordship who pressed for justice to British Indians, and now, it is the same gentleman yielding to the popular clamour in enforcing the very legislation against which he so nobly protested during the old regime. It is the Government, then, which has been pouring oil over the fire of prejudice, and if it now promises to burst out in greater vehemence and to spread beyond the limits contemplated by it, is there any cause for wonderment? We only hope that the Government, after having taken up a reasonable attitude with reference to the Boksburg Health Board, would not recede from it.

Indian Opinion, 16-7-1903

292. *NOTES ON THE PRESENT POSITION*

JOHANNESBURG,
July 18, 1903

IN THE TRANSVAAL

The Legislative Council has passed an Ordinance for the regulation of Municipal elections. The Government in their draft Ordinance reserved the right to all persons, irrespective of race or colour, provided that they have certain property qualifications and can pass an education test confined to a knowledge of either the English or the Dutch language. At the second reading, all the non-official members with the exception of one opposed the Government; thereupon, the Government, in spite of their majority, yielded to the wishes of the Opposition.

The Ordinance now, therefore, restricts the Municipal franchise only to white British subjects.

As soon as the Government signified their intention of yielding to the Opposition, a petition respectfully protesting against it was sent to the Council, but to no effect.

Lord Milner has now given his consent to the Ordinance.

The attitude of the Government shows probably how the British Indians would fare if the non-official members unitedly opposed any attempt to treat them with justice and in accordance with the expectations that were raised at the time of the war.

It may be mentioned that the Indians enjoy the Municipal franchise both at the Cape and Natal, self-governing Colonies though they are.

The Government have lately introduced a draft Ordinance in the Legislative Council for the suppression of immorality. To the principle of the Ordinance there cannot be the slightest objection,

but an important principle is involved in it. There are certain things in the Ordinance in question which are treated as a serious crime if committed by "any Native", and sub-clause 5 of Clause 19 of the Ordinance defines the expression "Native" as a "person manifestly belonging to any of the Native or coloured Races of Africa, Asia, America or St. Helena".

Now, so far as the British Indians are concerned, they have not the slightest objection to the acts mentioned in the Clause in question being treated as crimes in their case also; the objection is to their being bracketed together with the Natives of Africa, America or St. Helena. The sting lies in the manner of doing it. H. E. the Lieutenant-Governor, who was approached in the matter, has returned the following reply:

> His Excellency the Lieut.-Governor has given the matter his most careful consideration and has endeavoured to try and meet the wishes of the Association. I am, however, to point out that it is not now possible to alter the section complained of and that the wording is taken from clauses of similar enactments in other colonies. His Excellency hopes that you will accept the phrasing in the sense in which it is meant and that it is not intended to bracket British Indian subjects as suggested by you.

The reply is sympathetic, but it does not solve the difficulty. It is dated the 4th July, when the Ordinance had only been read a first time. It is, therefore, difficult to understand why the alteration in the phraseology could not be made during the Committee stage. Enquiry has since been made, and no such offensive definition occurs either in the Cape or Natal Acts dealing with the same subject; in fact, neither Act applies to British Indians. A short protest[1] has, therefore, also been sent to H. E. the Governor, Lord Milner. The result is not yet known.

The Colonial Secretary has announced this week that the Government intend to spend a large portion of the sum of £8,000 over laying out Locations for British Indians, for a population of about 10,000, of whom nearly 8,000 are absorbed by Pretoria and Johannesburg. They intend to lay out 54 Locations.

This is a most serious matter and, if Mr. Chamberlain is still considering in what direction the laws are to be altered, it is not easy to know why such a rush is being made in laying out Locations even in places where there are hardly twenty or thirty Indians.

More serious news, however, just comes from Potchefstroom, to the effect that proceedings have already been taken for

[1] This is not available.

compelling Indian hawkers to remove to Locations. It was thought that no drastic measures would be taken until after the whole legislation was recast; no prosecutions in connection with Locations have ever been taken before, and it will be remembered that, when, in 1899, compulsory removal was imminent, the British Agent intervened and successfully prevented the late Republican Government from carrying out its threat.

India Office : Judicial and Public Records, 402

293. BRIEF FOR COUNSEL'S OPINION

[JOHANNESBURG,]
July 21, 1903

Some British Indians last year, at an auction sale, bought certain Stands in an estate called the Edendale Estate from Messrs P. Amm & Sons. Neither the Auctioneer nor the Purchasers seem, at the time, to have known that Law 3 of 1885, as amended in 1886, was then in force and that, under it, British Indians could not own fixed property except in Streets, Wards or Locations set apart by the Government.

The purchase price together with interest has been paid.

The Solicitors drew up the transfers and, at the time of doing so, they discovered that the transfers could not be registered in the names of the Purchasers.

The questions for Counsel to decide are:

(1) Whether the Purchasers can compel the Sellers to put up again at auction the property in question and receive the benefit of any enhancement in price that might be offered at the sale.

(2) If not, whether the Purchasers could obtain any damages in connection with the breach committed by the Sellers, if their legal inability to give transfer constitutes a breach.

(3) If no damages can be recovered, whether the Sellers can be made to return the monies received by them together with interest thereon at the usual rate for the use they had of same.

(4) Generally, what would Counsel advise the Purchasers to do under the circumstances.

M. K. GANDHI

From a photostat of the original : S.N. 4068

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294. LEGISLATION IN ANTICIPATION

British Indians in East London

In the year 1895, there was a very small Indian population in East London. The Municipality of that port, therefore, thought that it had a good opportunity of legislating against Indians. So it approached the Cape Legislature for the necessary powers, not for legislation against Indians only. The Asiatics—for that is the term used—find mention only in two or three places in an Act which covers over ten closely printed pages. The Act gives the usual powers for making bye-laws, and by a section which deals with regulation of traffic, sewerage, etc., the liberties of His Majesty's Indian subjects have been lightly given away. For, in sub-section 24 of Section 5 of the Act, we read that the Municipality shall have the power to frame bye-laws "for allotting and setting apart, and from time to time changing portions of the Municipality as Locations for the residence of natives and Asiatics, and for abolishing such Locations". Again, sub-section 25 of the same Section gives similar powers "for regulating the conditions upon which the natives and Asiatics may reside in such locations, and the fees, rents, and hut tax to be paid by them in respect of such residence, etc." The Act also gives powers to frame bye-laws "for fixing such parts of streets or open spaces, or pavements of the same on which natives or Asiatics may not walk or be". The Act does not apply to such natives or Asiatics as are owners or occupiers of landed property in the borough of the rateable value of £75, and who take out certificates to that effect from the Town Clerk, and to exempt natives.

It should be remembered that, in the other parts of the Cape Colony, the British Indians are far better off than anywhere else in British South Africa. The Act in question goes much further than the legislation of the Boer Government. How it received the Royal sanction is a mystery to us. But it shows how easily important interests could be given away if there is no watch kept over them. For, we make bold to say that, if the un-British measure had been promptly brought to the notice of the higher authorities, the injustice would never have been perpetrated. The Act, as our readers will have noticed, puts the Indian lower than the native of South Africa, for there is no exemption for the Indians.

and thus ignores, as the President of the local Indian Association rightly says, "the past of the Indian nation", which, as Lord Milner said the other day, "has an ancient civilization" and is "better born", as Mr. Chamberlain said to the Colonial Premiers in 1897. We are aware that the Municipality has been gracious enough not to exercise all its powers. But the thin edge has commenced. The Indian may not walk on the foot-path. Two well-dressed Indians have been already fined for walking on the foot-paths of East London. And evidently there is nothing to prevent the Municipality from passing further bye-laws regarding the other powers referred to herein.

Is this a result of Mr. Chamberlain's mission? The Right Honourable Gentleman said, the Indians were "entitled to fair and honourable treatment". He advised the Colonists to look beyond the parochial horizon and to realize their membership of the Empire. We ask the Colonists in East London if they can reconcile their welcome of Mr. Chamberlain and endorsement of his policy with the existence of the law that disfigures the statute-book, and wantonly insults a whole race whose only fault is that its members are thrifty, sober, and industrious.

Indian Opinion, 23-7-1903

295. THE LONDON MEETING–I

We have reproduced a report of the great meeting lately held under the auspices of the East India Association.

The proceedings of the meeting, which was attended by many prominent Anglo-Indians and the well-known leaders of Indian society, show that there is decidedly a silver lining to the cloud that overhangs the Indian community in South Africa.

To offer thanks to Sir William Wedderburn, who has practically given his life for the cause of the British Indians, is to limit the greatness of the noble soul. He has been now for years working for the cause of the Indians, whether in India or outside it, with untiring zeal, and has given not only his time, but also his purse, to their cause. Nothing, therefore, that we may say in the shape of words of gratitude, can affect in any way the debt which every Indian owes to Sir William.

Anyone, who has at all studied Indian history and English statesmen whom India has produced, cannot fail to be struck by the unanimity which pervaded the proceedings. Although Sir Lepel Griffin and Sir William Wedderburn have often stood on

opposite sides of other platforms, in this instance, they had no hesitation in standing side by side; in fact, each speaker vied with the other in showing his disapprobation in strong terms of the attitude of the Colonists towards British Indians.

It has often been said that people on the spot, being unable to take a correct focus, are often unfit to pass an unbiased judgment, especially when it is their own conduct which is the subject for decision. We, therefore, put it to the Colonists whether it does not strike them that there must be something radically wrong with their attitude when, outside South Africa, it meets with almost unanimous condemnation.

Sir Raymond West, a great jurist, who at one time adorned the High Court Bench at Bombay, and never given to exaggeration, gave vent to his feelings at the meeting in the following terms:

> He expressed the strong sympathy he had with the objects of the meeting. They must look it boldly in the face, and determine whether our Indian fellow-subjects were to be regarded as members of this Empire or not.
>
> He appealed to the members of the Indian community to imbibe and make themselves thoroughly absorbed in that great Imperial spirit and that bond of union with all subjects of His Majesty.
>
> Dealing with the treatment of our fellow-subjects by the South African Colonists, he wondered what would have been said if, after receiving aid from Tasmania and South Australia, the Colonists had responded by passing a Bill that no Tasmanian was to walk on the side-path of the street, or they had passed an Act to the effect that no one from New South Wales was to be admitted in the Colony without paying a poll-tax, and, when so admitted, were not to be allowed municipal privileges or rights of citizenship. What would be the feeling throughout the Empire with regard to conduct of that kind? What could be nobler than the conduct of those poor men who rushed into the midst of the contending armies and carried off the wounded? That was conduct which ought to go home to the hearts of all members of the Empire, and more especially to those Colonists who had won so much by the devotion of Indian fellow-subjects. He thought if the appeal were to be properly made, the Colonists could not for very shame continue to maintain the attitude they at present held. It was a survival of a feeling which had been fostered and nurtured by trade jealousy and race prejudices, and it was their business as members of an Empire to get over those race prejudices and trade jealousies, and in a matter of this kind to regard all members of the Empire as on an equality.

He felt it his duty to express himself strongly, because the welfare of the Empire, built up with such care, and at the cost of so much money and blood, depended very much on the way this question must be treated.

Our readers would find an echo of such sentiments in the other speeches delivered on the occasion: Sir Lepel did not hesitate to bring in the treatment of the Jews in the Russian Empire as an analogy, though we have no desire here to put the two situations on the same level. Sir Mancherji did not mince matters at all, but spoke out strongly against the Colonial injustice. Used to the free atmosphere of the great Metropolis, and knowing the question intimately from a deep study of it, we do not wonder that he felt appalled by the magnitude of the legal disabilities of the British Indians in South Africa. Mr. Thorburn gave utterance to words which we hope will be pondered over by our countrymen in India. The suggestions made by him are valuable, and, if carried out, cannot but do good. We trust that the Colonists, busy as they are throughout South Africa, will find time to read the report of the meetings, and study it carefully.

Indian Opinion, 23-7-1903

296. EAST RAND VIGILANTS

Whatever may be said of the methods of this Association, there is no doubt that the members of it have fully justified their choice of the title they have assumed for their society; for, since its formation, the Association has been undoubtedly very "vigilant", if only with reference to the Indian question, of which it has made a speciality. It is now engaged in a duel with Mr. Moor in connection with the proposed removal of the Indian Location in Boksburg. The persistence with which the gentlemen of the Association return to the charge is simply admirable. It is a pity such energy, which is worthy of a better and nobler cause, is being devoted to depriving innocent men of their liberty and, possibly, their means of livelihood. We copy, in another column, from the *Transvaal Leader*, the admirable report of the proceedings of the meeting of the East Rand Vigilance Association, which lately took place at Boksburg. We fail to see how, as they complain, the Health Board has been snubbed by the Colonial Secretary in not acceding to its wish to remove the Indians to One Tree Hill; for it must be remembered that the

reference in the Bazaar Notice to the consultation with the Health Boards is more a matter of courtesy than of obligation on the part of the Government, and for them to listen to every advice that Health Boards or Town Councils may choose to give on the selection of sites for Locations, would be clearly a departure from the strict letter of the Law 3 of 1885, on which the Notice in question is based. It does not give or contemplate any powers whatsoever to Local Boards. The Government and the Government alone are responsible for laying out Locations, and we question very much whether even the Government, reading the law strictly in favour of those to whom it is to be applied, have the power to remove Locations after they are once fixed. If the Association is very anxious about the health of the town, and if it is not actuated by trade jealously or other prejudices, then all we can say is that they should follow the excellent lead given by the Health Board at Krugersdorp, and set about working in right earnest towards removing any sanitary defects or departure from strict principles of hygiene in the Location, rather than coop all the Indians in a place far away from town, to control which it must be very difficult. We are loath to believe that it is the wish of the members of the Association to leave the inmates of the Location severely alone after they have been removed far away. They cannot surely be labouring under the delusion that, by removing the Indians some miles from the town, and neglecting their sanitary condition, the town would be free from any danger to health, always assuming that the presence of Indians is really a danger to the health of the locality they may inhabit. We have the authority of Dr. Veale of Pretoria, and other medical gentlemen for saying that given ordinary control, class considered, Indians live better and in better habitations than others.[1] Looking at it, therefore, from every point of view, the position the gentlemen of Boksburg have taken up is utterly untenable. We notice in the same report that the Association has decided that if they must have any Asiatics at all, it must be the Chinese, and we sincerely congratulate the Association on its decision, and join it in the hope that indentured Indian labour will never be countenanced for the Transvaal. Knowing as we do the popular prejudice, we have absolutely no desire to see indentured Indians brought to the Transvaal in thousands. The problem is complicated enough without their presence, and, as we have said before, we trust that even if the Colony as a whole favours the

[1] *Vide* Vol. I, pp. 214-5.

introduction of Indian labour, the Government of India will step in and decline to favour the proposal.

Indian Opinion, 23-7-1903

297. PRECAUTION OR PERSECUTION?

Although the Colony is free from plague, the Transvaal Government continue the embargo on the Indian refugees who may wish to return to their several places there. This really seems to us to be incomprehensible. The restriction is so palpably uncalled for, that it is hard to believe that it is imposed merely as a precaution, and in the interests of public health. And why should the British Indians alone be singled out for prohibition? We understand that the British Indians in the Transvaal have approached the Government saying that rather than be debarred altogether from entering the Transvaal, the refugees and others who may wish to go to the country will be prepared to undergo quarantine at Volksrust. To us, the acceptance of quarantine when there is not the slightest occasion for it, seems to be a preposterous thing; but to think that even such a request has not been granted savours more of persecution than precaution. We are very much inclined to believe that the restriction is more in the nature of a concession to popular prejudice, and an excuse for shutting out British Indians, than for the sake of safeguarding the interests of the community in general. Mr. Chamberlain was pleased to say that the anti-Asiatic laws in the Transvaal were enforced more leniently than they ever were before. We make him a present of the undisputed fact that the Transvaal was absolutely open to the free immigration of British Indians during the old regime, and, if they had chosen to migrate to that Colony in hundreds of thousands, they could have done so without any difficulty whatsoever. Now, under their own Government, British Indians find the gates of the Colony practically closed in their faces. It is true that refugees are allowed to enter the Transvaal from Cape Town and Delagoa Bay in dribblets, but even they have to wait months before they can receive authority to proceed to their respective businesses. It is interesting to know that the British Indians in Natal, if they chose, could go to the Cape or Delagoa Bay, and then, when their turn came to receive permits, they would be accepted in spite of the plague restrictions in this Colony. It shows how absurd the regulations are. The reason has often

been given that there have been more cases of plague among Indians than among other races. The chairman of the recently held British Indian meeting in Durban conclusively disposed of the fallacy of the argument that was drawn from the figures. He showed that most of Indian cases were among the indentured labourers who are naturally very poor, and for whose health their employers are responsible. Under such circumstances, it is small wonder that there have been more cases among them. It has been found that the better class Indians have been just as free from the infection as the other classes have been. Moreover, it is a fact that the plague has not travelled beyond Maritzburg. Why should, then, there be any difficulty in the way of British Indians residing up country? And why, indeed, should there be any fear of the plague visiting the Transvaal, when evidently the bacillus does not find suitable soil in a dry climate and in high altitudes? We hope that the Transvaal Government will see its way to recede from the totally indefensible position which it has taken up on this matter.

Indian Opinion, 23-7-1903

298. LORD MILNER ON THE COLOUR QUESTION AGAIN

His Excellency was the recipient of an address last week from the Cape coloured people, and although His Lordship's remarks, which we reproduce elsewhere, were addressed to them, we think they have a bearing on the position as affecting British Indians also. There can be no doubt about Lord Milner's broad views and sympathy with the position of the coloured people of the Transvaal. But from His Lordship's remarks it is evident that he will not veto the Municipalities Election Ordinance which disfranchises British Indians and others. That part of his address which deals with the ordinary rights of British citizens is, however, most open to objection. These are his words:

> In the mean time, in the absence of votes and of any immediate prospect of getting them, there is a great deal which the coloured people have reason to be thankful for under the British flag. They are free men, they are protected in the exercise of their industry and in the enjoyment of their property. The law knows no difference in these respects between them and any other section of the community. Excepting this Municipal Franchise, I do not know what is withheld from them.

Now, if these remarks are meant to apply to the British Indians also, then, of course, they are misleading, because they do not enjoy the same property rights and other civic rights granted to the rest of the community, and we do think that to call such ordinary rights of citizenship by the name of privileges to be highly valued as if they were special concessions, is, with due respect to His Lordship, a little too much. However, we are more concerned with the great sympathy he has shown, and the advice which he gave to his audience. It is one which British Indians also may take very much to heart. We quote His Lordship's concluding words:

> I would say to them that there is a great future before them, and a future which lies very largely in their own hands. They are settlers in a country of great resources, in the prosperity of which they are entitled to share. It is to their interest and their duty to take every advantage of the privileges already offered them without fretting over, though without ceasing to aspire to, any privileges which may still be withheld. That, after all, is not a bad position for a man who has got any grit in him to develop. One thing is absolutely certain, and that is, that it is only by making the fullest use of the advantages they already possess, that they will overcome the prejudices and win the respect of the majority, as they already, in their efforts to raise themselves, possess the deepest sympathies of the best of their European fellow-citizens.

Indian Opinion, 23-7-1903

299. THE TRANSVAAL BAZAARS

It is quite plain, from the reply reproduced in another column, given by the Colonial Secretary of the Transvaal to Sir George Farrar, when he questioned the item of £ 10,000 in the Transvaal Estimates put down for Asiatic Affairs, that the Government intends, in thorough earnestness, to relegate the British Indians to Locations. We entirely agree with Sir Percy Fitzpatrick and Sir George Farrar when they imply that the £ 10,000 voted is a waste of public money. It can do no good to those for whom the money is to be spent. But there seems to be no help for it unless the Imperial Government would do its duty. From the figures presented by the Honourable the Colonial Secretary, they are going to establish Locations at 54 different places for about 10,000 British Indians. Apart from the question of the harshness, the idea seems to us to be simply monstrous. We are reminded of an incident in India, where there is perhaps more

"red tape" than anywhere else, when over an anna stamp reams of foolscap were simply wasted because an official who thought he had detected an unwarranted use of the stamp, carried on a lengthy correspondence for months. The situation about the Transvaal Bazaars is very much like what was produced by the official in India. The Colonial Secretary is good enough to admit that in many places there are very few Indians, and yet, the public money is to be wasted in laying out Locations in 54 different places. This, again, in spite of the fact that Mr. Chamberlain has promised to consider the whole situation, and the Colonial Secretary himself has admitted that the present legislation is to give place to something quite new. If, therefore, the Bazaars are to be established, what is the meaning of Mr. Chamberlain's declaration, and the Colonial Secretary's admission? We trust that some member of the Legislative Council of the Transvaal, or of the Imperial Parliament, will have the point cleared for the benefit of all concerned.

Indian Opinion, 23-7-1903

300. NOTES ON THE PRESENT POSITION

[JOHANNESBURG,
July 25, 1903]

BRITISH INDIANS IN THE TRANSVAAL

The enclosed newspaper cuttings[1] in connection with the resolution passed by the Legislative Council this week will show that the Government of the Transvaal seem to be determined upon enforcing fully Notice 356 of this year with reference to the removal of British Indians to the Bazaars. In accordance with the resolution, at 19 different places in the Transvaal, Locations have been already established. It is very much feared that the Government do not intend to make any satisfactory change in the existing legislation, otherwise, they would not have gone to the expense of laying out Locations in different places in the Transvaal. Nothing is yet known in reply to the representation sent to Lord Milner, and therefore, the position of those Indian traders who were granted licences to trade after the war is very uncertain. Mr. Chamberlain was pleased to say that the Law is being enforced as leniently as possible, but the facts all go to show the contrary. The least that would be expected of the Government is that they should give whatever little benefit the Indians may

[1] These are not available.

be able to receive from Law 3 of 1885. It gives them the right, at any rate, to hold fixed property in Locations and, yet, the Government propose to grant only 21 years' leases, and then, the leases are hedged in with so many restrictions that they do not possess any marketable value. At Potchefstroom, proceedings have already been commenced against Indians who are residing in town. The case has been postponed up to the 4th of August next, but it is difficult to understand why such a rush is being made to enforce the Locations Law. Even under the late Orange Free State Law, people were given one year's notice to comply with it. In the Transvaal, the Location Law as to residents has remained a dead letter since its promulgation, that is to say, for 12 years. The intention to enforce it was given out under our own Government in April last, and, before three months have hardly elapsed, proceedings have been commenced under it, in spite of the fact that, as soon as the Bazaar Notice was published, a declaration was also made that it was only temporary and that new legislation would be soon introduced. The attitude of the Government, as evidenced by the proceedings in Potchefstroom and the resolution taken by the Legislative Council, has naturally created alarm among British Indians and unsettled their minds. It was thought that the immediate effect of the Bazaar Notice would not go beyond restricting the issue of new trading licences, against which alone is the whole of the agitation directed. The plea of insanitation and other charges are brought forward merely to strengthen the main policy of rooting out the traders. It is to be hoped that the uncertainty would be removed as soon as possible.

The Lieutenant-Governor has replied to the last communication with reference to the plague restrictions in Natal, saying that His Excellency is unable to remove the embargo on Indian arrivals, although they may consent to undergo quarantine at their own expense. This is becoming more and more serious as time goes by. The refugees awaiting their return in Natal complain most bitterly, and they are being reduced practically to destitution. The times in South Africa at present are very bad, and it taxes the resources of the friends of refugees very considerably for them to support the latter, and the embargo seems to be utterly meaningless. Indians are allowed to enter Natal from the Transvaal and return. If, therefore, there was anything special in the Indians so that they would bring the plague far more quickly into the country than other races, those who are allowed to go to Natal and return are just as liable to bring it as those who are now staying there and awaiting permission to return.

Another matter also, which is becoming more serious, is the fact that non-refugee British Indians are not allowed to enter the Transvaal under any conditions, on the plea that they cannot be allowed until all the Indian refugees have entered the Colony. This rule does not apply to the Europeans at all. The prohibition tells upon the residents because they are unable to get storemen, salesmen and domestic servants from either the Cape, Delagoa Bay or Natal, which materially hampers their businesses, and it affects those who, knowing that there was no restrictive legislation in the Transvaal, left India under the belief that they would be entitled to enter the Transvaal. We had hoped that we would be able to secure relief from the Local Government, but as no response whatsoever has been made to the efforts, it has become necessary to trouble the friends in England about the plague restrictions and the prohibition against non-refugee Indians.

Cuttings containing Mr. Chamberlain's reply to the demand by Lord Milner for Indian labour are also attached hereto.[1]

The community has, with gratefulness, noticed the efforts of the Indian Government to ameliorate its condition, and it is hoped that the position will be kept up until relief is granted by the Government of this Colony.

India Office : Judicial and Public Records, 402; *India*, 4-9-1903, and *Indian Opinion*, 30-7-1903

301. THE CINDERELLA OF THE EMPIRE

Mr. Brodrick has announced that India will be asked to bear a portion of the expenses of keeping a garrison in South Africa on the ground that, the soldiers stationed in South Africa might, in the event of a Russian invasion be required for the defence of the Indian frontier. So, on the off-chance of such an invasion, if the Indian Government is complaisant enough, India, poor as she is, will have to bear part of the cost of keeping a South African garrison.

We notice from the cable reports that most of the great dailies in London have protested against any such idea, and have called the suggestion "shameful"; but this is a matter of high politics in which we may not dabble. We only mention the fact as it has a very great bearing on the position of the British Indians in South Africa. What is to be the policy of the Colonists on this

[1] These are not given here.

question in this sub-continent which one day is to be a great federated South Africa? So far as the burden of the Empire is concerned, at every step, India is called upon very naturally to give at least her own share, and that in no ungrudging spirit. Is India to take her full share of the burden only, and never receive or participate in the glory of the privileges of the Empire?

We read that, from the earliest struggles, she has been, shall we say, heroically performing her duty. We are told by Lord Macaulay that at the siege of Arcot, the Indian soldiers voluntarily denied themselves a portion of their own rations and gave up their rice to their English comrades, contenting themselves with merely the water in which the rice was boiled. This was not done for sentiment only, but the privations that the besieged had to suffer were so great, that the Indian soldiers considered it their duty to forgo their own portion. During the wars in Afghanistan, do we not read, in the graphic description left of them by the late Sir John Kaye, that thousands of Indians were embedded in the snow passes uncomplainingly? Who has been fighting Britain's battles in Somaliland, compared to which, the late Burghers who have returned from Somaliland assure us, the Boer war was a mere pastime? Such are the terrible difficulties of transport and supply of water in that place! During the late Chinese expedition, we are told again, that the Indian soldiers fought just as bravely as their other comrades, and commanded the admiration, by their bearing, of all the composite troops. Coming nearer, we find further that it was Sir George White's 10,000 seasoned troops which arrived in the nick of time that materially saved the situation in South Africa. But we might be told, though not, we venture to think, with good grace, that the bulk of the men who came from India were, after all, English soldiers. If so, we quote the following portion from *The Standard*, copied by *India*:

> Ladysmith, we should remember, was defended mainly by regiments which had been embarked in India. It was an Indian General, commanding native troops from India, who relieved the Legations at Pekin; and it was from native regiments that our Chinese contingent of occupation was supplied. Since the beginning of the war in South Africa, more than 13,000 British officers and men had been sent to that country from India, and they were accompanied by over 9,000 natives, principally followers and attendants. To China there were forwarded from India 1,300 British officers and men, some 20,000 native troops and 17,500 native followers. Such is the scale on which India, at the shortest notice and without dislocating her establishments, can contribute towards the military capabilities of the Empire beyond her borders.

So we know that there were at least 9,000 British Indians also, who served during the late war, and it is unnecessary for us to recall the testimony given at the time of the perils and difficulties which these followers cheerfully went through, though they bore no arms.

We are unwilling to prolong the list of these services, nor do we intend to lay any undue stress upon them. Moreover, we are not blind to the fact that the English share of the burden is far greater, far severer, far ampler in quantity than any that India has borne, but we do say that, if comparison were to be set up between the privileges also enjoyed by both, we do think that India would not come out unfavourably in the competition. We may state, parenthetically, that we do not import into consideration the fact often flung in the faces of the Indian races, namely, that, after all is said and done, they are conquered, and therefore, not entitled to the same rights as real Britishers. We dismiss this from our consideration for two very sound reasons, the one given by Professor Seely in his *Expansion of Great Britain*, namely, that in the real sense of the term India is not a conquered country, but that it is British because the vast majority of its people have, perhaps for selfish reasons, accepted British rule; the second reason is, that British statesmen have times without number disavowed any connection whatsoever with the idea of inequality necessarily existing between the conquerors and the conquered, other things being equal, and they have done this more especially with regard to the British Indians.

We have therefore, now, cleared the ground for asking the Colonists a simple question: where does India come in so far as their Imperialism is concerned, if British Indians may not have simple rights of citizenship in British territory, as the Colonists here and perhaps elsewhere would have it? Is it an equable bargain that, while India is expected to bear the burden of the Empire, she may not get the benefits of that Empire? No doubt all of us, if we had our own way, would perhaps elbow out everybody else and keep everything to ourselves; but, so long as people in South Africa are content to remain members of the British Empire, does it behove them to take up an attitude practically of defiance, and say, "We will have everything we want, without giving any consideration whatever?" The glory that England derives from possessing British India is appropriated as a common heritage of all British people, and consequently, of those who have made their home here. Are they then satisfied to appropriate that glory, and constantly offend millions of British Indians who contribute to it?

These are, in our opinion, very serious reflections worthy of the attentive study on the part of the Colonists.

We are likely to be told that all these things look very well on paper, and in theory, but that in practical daily life, if carried out, they would bring nothing but disaster. To such, our reply in anticipation is, that we do not hold them to be at all theoretical or merely a paper policy to be looked at. It is these very principles which have made Great Britain what she is, and it is these very principles which guide her policy, maybe with temporary aberration, from day to day; and if Greater Britain is to continue its traditions, then, we think it is time that she pondered and waited before going down, what is to our mind, an awful incline.

We are addressing these thoughts to the Colonists in the hope that they will receive them in the spirit in which they are given.

Indian Opinion, 30-7-1903

302. THE LONDON MEETING–II

SIR W. WEDDERBURN'S ADDRESS

We have already dealt with the meeting of the East India Association addressed by Sir William Wedderburn on the position of the British Indians in the Transvaal.[1] Now we propose dealing more particularly with the view placed before his distinguished audience by Sir William.

The speaker divided his address into three parts.

The first part dealt with the position taken up by the Transvaal Government as defined in Notice 356 of this year, known as the Bazaar Notice, and Sir William had no hesitation in coming to the conclusion that the Bazaar Notice lowered the status of the British Indian far more than what it was before the war; and he rightly contended that, as not the "smallest misconduct" has been proved on the part of the Indians, and as "it is universally admitted that throughout the recent troubles, the Indians have shown themselves loyal and useful citizens, rendering the most valuable services to the sick and wounded during the war", Lord Milner ought, at least, "to have maintained the *status quo* pending the decision by the Imperial authorities upon what is clearly an Imperial question".

[1] *Vide* "The London Meeting–I", pp. 451-3.

Now, on this phase of the question, with all due respect to Mr. Chamberlain's announcement that the anti-Asiatic laws are being enforced more leniently than ever before, as we have shown in a previous issue, we think conclusively, by quoting facts, that the position today is far worse than before the war; licences are sparingly given, the Indians are unable to hold landed property, no new licences are granted to trade outside Locations, and permit regulations press most severely upon the Indian community, and serve the purpose of a drastic immigration restriction law. These, and other points too numerous to mention here, we have touched on already in a special article.[1]

The second portion of the address lays down the principles upon which, in the opinion of the speaker, the decision should be based by the Imperial Government; and here again, we think very rightly, Sir William brushes aside the argument of public feeling unless it were founded on reason and justice, and quotes chapter and verse to show that, from Mr. Chamberlain downward, every official connected with the question took up, prior to the war, the attitude of sympathy for the British Indians, and declined to be guided by public feeling based on trade jealousy and race prejudice. Sir William takes an Imperial view of the question, and says:

> This question, affecting the rights of British citizens all over the world, is essentially an Imperial one, to be decided by the central authority, in accordance with the established principles of the Empire. Those principles have been well stated in a letter recently addressed to the Colonial Office by the Manchester Chamber of Commerce, protesting against the legislative exclusion of British Indians from the South African Colonies: "This exclusion," it says, "appears to the Chamber to be unjust to the natives of India, who are considered to be entitled to the same rights as other subjects of the King, of free movement and residence in any part of the Empire, entirely unrestricted by any legislation such as that complained of. It is regarded as impolitic also, and as prejudicial to the interests of the Colonies themselves. The Chamber entertains, not without reason, a high opinion of the qualifications of His Majesty's Indian-born subjects for their good citizenship, their intelligence, their industry, their peaceful disposition and their commercial aptitudes."

The third, and the most important, as also the most practical, part of the address deals with the suggestion he has made,

[1] *Vide* "The British Indian in South Africa", pp. 401-2.

and therein, in view of the fact that there is conflict of opinion in South Africa, and conflicting opinions are involved, Sir William advocates a full and formal inquiry as to the necessity for any anti-Indian legislation, to be made by an Imperial authority under the direction of the Colonial Office. He adds two conditions, namely, that

> as the measures proposed to be taken against the Indians are of a restrictive character, the burden of proof should lie entirely upon those who desire to impose disabilities upon the Indians, and that the Pretoria notification should be withdrawn so as to place the parties on a fair and equal footing.

Such inquiry has again been asked for by the British Indians in several memorials, and Sir William will have deserved very great thanks if his efforts in that direction are crowned with success. Nothing can be fairer than such a procedure to either party. We have always courted full publicity as to the merits as well as the demerits of the Indians, and we would welcome such inquiry most heartily. It is a very effective method of satisfying public feeling. Those who are born and bred under the British Constitution naturally love order and justice. At present, there exists a great deal of misunderstanding as well as uninformed opinion, and a large number of the Colonists consider that the presence of the British Indians is an unmixed evil to be guarded against at all risks; but, if the findings of any impartial commission go to show, as we have not the slightest doubt they would, that such opinion is not based on any sound data, and that, if anything, the presence of the Indians has contributed, be it ever so little, to the welfare of the community in general, we think the public would accept any such pronouncement, and much of the ill-feeling and prejudice will die a natural death.

It is to be hoped, therefore, that in the interests of all parties concerned, the very reasonable proposal made by Sir William Wedderburn, and which was accepted by the meeting addressed by him, will find favour with the Colonial and India Offices, and that the otherwise interminable question will be solved, once and for all, by the appointment of an impartial commission.

Indian Opinion, 30-7-1903

303. ON TRIAL

Our countrymen in the Transvaal are at present undergoing trouble and worry which we think are enough to tax the patience of any body of men, but it will be exactly these troubles and worries which would show whether they are able to come out of them with credit to themselves, and whether they possess the virtues of patience and fortitude which have often been claimed by us for British Indians. The Transvaal Government, quite light-heartedly, propose to give away even those rights of the British Indians which they ought to have in terms of the laws passed by Mr. Kruger's Government. The Colonial Secretary, at the sitting of the Legislative Council on the 22nd instant, moved that a certain resolution passed by the Lieutenant-Governor in Executive Council be confirmed, and the Council, after a declaration from some of the members that the resolution was giving too much to the Indians, passed it with some amendment. Unless we have some positive proof to the contrary, we must reluctantly come to the conclusion that, either the present Law is not to be repealed at all, or that the replacing Law will be no better than the existing Law, and it is highly probable that it would be much worse. The resolution in question reaffirms the principle of Notice 356 of this year—commonly known as the Bazaar Notice—and purports to give leases for periods not exceeding 21 years at a fixed rental to British Indians and others in Asiatic Locations which have been mapped out already in 19 townships, and in each case, we are told, the Resident Magistrate or the Assistant Magistrate and Health Board have been consulted and have agreed. Not one word is to be found as to whether those who are to be compelled to reside in these Locations have been at all consulted. We know what the Health Boards and Resident Magistrates are likely to have done, if the action of the Boards at Boksburg and Germiston is an index of that of the others. In Boksburg, an attempt is being made to remove the present Location, and there is a deadlock between the Board and the Colonial Secretary. In Germiston, the Magistrate waxes eloquent over the audacity of the Colonial Secretary in consulting others besides himself as to the suitability of sites for the Locations, as he is pleased to

say, "behind his back". The net result of the resolution is, that everything is cut and dried, and the British Indians, when the Stands are ready, will be forced to remove to these places whether they will or not. And be it remembered that their trading rights also will be confined to the Locations. This is a decided improvement on the methods of the Boer Government. Then, at any rate, the Indians had an opportunity of protesting against the selection of sites. When a concession was proposed to be given to Mr. Tobianski in connection with the establishment of a new Location in Johannesburg, the Indian community was able to know the thing before it was done, and was able to make its voice heard effectively. Not a single Indian was removed, nor was concession ultimately granted. The position today is that, in 19 different places, Locations have been established without taking into confidence those who are to be located there. The situation is undoubtedly serious and most aggravating. Leases, contemplated by the resolution, are also a curtailment of the rights to which the Indians would be entitled under the existing Law, for there is nothing therein to show that, within the Locations, they have no right to own fixed property as the community have elsewhere in the Transvaal. In Johannesburg, for instance, full rights were given under the Law to the residents of the Indian Location, and every one of the 96 Stands in that Location is held under a 99 years' lease, as almost all the Stands in Johannesburg are. And yet, strangely enough, we find Mr. Chamberlain informing his questioners in the House of Commons that the existing Law is being enforced more leniently than before! Comment is superfluous.

Indian Opinion, 30-7-1903

304. LORD MILNER ON HAWKERS, ETC.

The correspondence, published elsewhere, in connection with the proposed introduction of indentured Indians for the working of the Transvaal Railways, is a most instructive reading. Today we propose to deal with only one passage in Lord Milner's despatch to Mr. Chamberlain. His Lordship has allowed himself to make the following remark: "At present, we are in the absurd position of being flooded by petty Indian traders and hawkers who are of no benefit to the community, and not allowed to have Indian labourers whom we greatly need." If

these sentiments had proceeded from a partisan, there would not be much to complain of, although they would be still inconsistent with facts; but bearing the stamp of the high authority of Lord Milner, they are very difficult to understand, and, with due deference to His Lordship, we have no hesitation in saying that it is a very unkind cut. We very much fear that the burden of ever-pressing work left no time to His Lordship for studying the situation, and he has been simply carried away by the prevailing opinion about the Indian trader and hawker. Now let us see what verdict has been pronounced by the populace itself when it did not suffer from the high gold fever which has evidently attacked the community at present. We find then that in 1896 nearly 2,000 Europeans, including many late burghers, promoted a petition to Ex-President Kruger assuring him that in their opinion the Indian traders and hawkers were a real benefit to the community in general. Even at the present time, the hawkers are considered to be almost indispensable. It is they who supply the wants of families living in the suburbs where it would not pay storekeepers to open stores, bearing in mind the fact that the houses are very much scattered, except in the principal towns, and then only in business portions. The best proof of the pudding is in the eating; so, the best proof of the usefulness of the hawkers, and indeed the traders also, consists in the indisputable fact that they are dependent very largely on the European support, and we are surprised to find that such a patent fact has not struck His Lordship. But, even apart from this incontestable proof, if it is allowable to adduce evidence given in Natal on the subject, we commend to His Lordship's attention the voluminous testimony given in favour of the Indian traders before the Commission that sat in Natal to investigate the Indian question. After going into the mass of evidence placed before that Commission, it has recorded its opinion as follows:

> We are content to place on record our strong opinion, based on much observation, that the presence of these traders has been beneficial to the whole Colony, and that it would be unwise, if not unjust, to legislate to their prejudice.

The chief charge against these traders and hawkers has been that they have lowered the prices of the necessaries of life, and much hampered the petty European trader. Now, if Mill's doctrine of the greatest good of the greatest number still holds good, then according to that test, we make bold to say, with all respect to Lord Milner, that they are a veritable boon. We

are not at all prepared to admit that the petty European trader has been really the loser by the presence of the Indian trader, but assuming such to be a fact for the sake of argument, has not the lowering of prices benefited the far larger number of buyers? Have they, the Indian traders, not been a boon to the poor European householders? The latter, as we have said before, by their invariable support, seem to appreciate the presence of the Indian trader. But His Lordship has not only pronounced judgment against the Indian trader, but he has also indirectly given his sanction to the statement so often made that "the Transvaal is being flooded by Indians". We should have thought that of all persons, Lord Milner would be the first man to know his own laws. The Peace Preservation Ordinance has effectually prevented the entry of any British Indians unless they are refugees, and in these columns we have shown how difficult it is even for *bona-fide* refugees to enter the Transvaal. But now that Lord Milner has made the statement, it will, we are very much afraid, like the Bazaar Notice, be taken up throughout South Africa, and the Indian trader will come in for a good round of abuse, and we should be very much surprised if he escapes totally unhurt.

Indian Opinion, 30-7-1903

305. LETTER TO COLONIAL SECRETARY, TRANSVAAL

Box 57,
PRETORIA,
August 1, 1903

TO
THE HONOURABLE THE COLONIAL SECRETARY
PRETORIA

SIR,

I have the honour to acknowledge your letter of the 28th ultimo, and I note that you will be pleased to take over the Mosque property in your name in trust for the Mahomedan community on the conditions mentioned therein.

My Committee is grateful to you for the proposal, but it is regretfully obliged not to accept it for the reason that it is contrary to the Mahomedan religion to have any property for religious purposes held in the name of a non-Mahomedan.

My Committee ventures to draw your attention to the following:

(1) This matter of the transfer has been pending for several years.

(2) The British Agent, prior to the war, assured my Committee that if the war came, there would be no difficulty about the transfer after its termination.

(3) My Committee is advised that the Government have power to authorize the transfer of the property by setting aside that particular portion as one in which British Indians may hold fixed property.

(4) Even if, strictly speaking, under the existing Law, the Government think they have not the power, they could, as pointed out before, graciously relax the Law in this respect, as it has been regarding licences.

(5) The matter is daily becoming serious owing to the old age of the gentleman in whose name the property is at present registered.

(6) The Government, in refusing the request of my Committee, are taking over a serious responsibility, in that the Mahomedan community may, in the event of the death, before transfer, of the registered owner, lose the property and thus suffer heavy loss.

(7) The British Indians are, in the humble opinion of my Committee, entitled to some consideration, if only in regard to their religion, and when there can be no question of the European prejudice being in their way.

(8) It grieves my Committee to find that even the religious scruples of the Indian community are disregarded by the Government.

(9) My Committee had hope, in view of His Excellency the Governor's assurance that new legislation would probably be introduced during the session just closed, that relief would be granted before long, but the non-passing of such legislation has filled my Committee with disappointment.

For the reasons above mentioned, and as the matter is very urgent, my Committee humbly ventures to trust the Government would be pleased to grant the necessary relief.

I have the honour to be,
Sir,
Your obedient servant,
HAJEE HABIB

Indian Opinion, 27-8-1903, and *India*, 18-9-1903

306. NOTES ON THE PRESENT POSITION

JOHANNESBURG,
August 3, 1903

BRITISH INDIANS IN THE TRANSVAAL

With reference to the prosecutions against British Indians in respect of the Location Law, the Government have been pleased to withdraw them.

Another difficulty has, however, cropped up in the township of Klerksdorp. The Magistrate there has served Notices on British Indian merchants, informing them that, unless they submit to him proofs before the 7th instant that they held licences to trade prior to the hostilities, they would be expected and compelled to remove their businesses to the Locations. This has, naturally, terrorized the merchants there. They do not know what their position is. The action seems to be very hasty; for Mr. Chamberlain, as well as Lord Milner, is considering in what direction the existing Law is to be changed. If so, there could be no meaning in serving the Notices on the British Indians at Klerksdorp. All of them, certainly, did not trade before the war in that locality, although all of them are *bona-fide* refugees and traded in some part or other of the Transvaal; nor did all of them hold licences to trade, prior to hostilities, in the township of Klerksdorp. It is necessary here to distinguish between trading and holding licences to trade. It will be remembered that many British Indians were allowed to trade outside Locations in the Transvaal prior to the war, owing to the protection afforded by the British Government, although they did not hold any licences. Very few people, therefore, would be able to show that they held licences to trade prior to the war. It was only in the year 1899 that the Transvaal Government had issued licences to some British Indians for trading outside Locations.

This, therefore, is the most serious matter demanding early consideration and settlement. The points have been definitely raised in the printed representation to Lord Milner. Mr. Chamberlain, when the complaint was brought before him by the British Indian Deputation at Pretoria, said emphatically that all existing licences issued to British Indians in the Transvaal,

whether they were trading, before the war, or not in the localities in respect of which they were issued, were to be respected. It must also be remembered that when, soon after the conclusion of the war, British officers issued licences to British Indians, absolutely no stipulation was made that they were temporary, and on the strength of their licences, they have built substantial stores and imported largely from England through English agents. It would mean complete ruin to such merchants if their licences are to be at all interfered with. In the interests of vested rights, before all other things, the following is absolutely necessary if they are to be really respected:

First: All existing Indian licences should be renewed without restraint.

Second: That they are to be transferable from place to place.

Third: That they are to be transferable from man to man, as all ordinary licences are.

Uniformity of law and procedure is really very necessary in order to enable the British Indians to have even breathing time. At present, the situation is so uncertain and complicated that each Magistrate adopts his own course. The result is utter confusion.

The plague embargo on British Indian refugees in Natal still continues in spite of the efforts of the British Indian Association and the offer that the *bona-fide* refugees, intending to return to their homes in the Transvaal, should undergo quarantine at their own expense.

Non-refugees are still being prevented from entering the Transvaal whether from the Cape or Delagoa Bay, and only 70 permits are issued weekly to British Indian refugees.

In the telegraphic dispatch from Lord Milner to Mr. Chamberlain, there occurs the following passage:

> At present, we are in the absurd position of being flooded by petty Indian traders and hawkers who are of no benefit whatever to the community, and not allowed to have Indian labourers whom we greatly need.

With the greatest deference to His Excellency, the expression "flooded by petty Indian traders and hawkers" is totally misleading in view of what has been said above. There can be no flooding when even the refugees have not all been permitted to return. The few who had come without permits, during the confusion that ensued after the Peace Preservation Ordinance was passed, have been hounded out of the Transvaal.

The statement that "the petty Indian traders and hawkers are of no benefit whatever to the community" is inconsistent with facts, as has been shown conclusively by the Natal Commission and in view of the fact that both the traders and hawkers are almost entirely dependent on European patronage. Thousands of hawkers supply vegetables cheaply from day to day to the families, scattered all over the country, at their doors, and petty Indian traders act as middlemen between the lordly European merchant and the poor white customer or the Zulu. Their profits, moreover, find their way largely into the pockets of the wholesale European houses and banks controlled by European capital and European landlords.

The cablegrams lately received show that Lord Milner's dispatch to Mr. Chamberlain in connection with the existing legislation has been published in England. His Excellency appears to have stated that "compulsory segregation is necessary on sanitary and moral grounds". The Indian community bitterly feels the charge made by His Excellency. It has been refuted over and over again by disinterested, unimpeachable evidence. "Moral grounds" is an expression which has been, probably, for the very first time, used by any British representative. When it was made a basis of a petition to the late Orange Free State Legislature, it was resented by the British authorities. Not even the bitterest opponents of the British Indians have laid any such charge against them during the present controversy, and it is beyond our comprehension on what proof His Excellency has been pleased to bring such a charge.

As to "sanitary grounds", only lately, when the Insanitary Area Commission sat at Johannesburg, in reply to a very highly coloured and imaginative report from the Health Medical Officer for Johannesburg, two medical gentlemen, one of them a well-known sanitary expert (Dr. Johnston), gave evidence controverting all the points dwelt upon by the Health Medical Officer for Johannesburg. And, in any case, it is not a matter so much for compulsory segregation, as for enforcing of sanitary regulations. It should also be remembered that what we object to is the sting of compulsion. The poorest-class Indians would, of their own accord, avail themselves of any accessible locality that might be made available for them by the Government. Such has been the experience during the past twelve years throughout South Africa, although no compulsion has been used.

India Office : Judicial and Public Records, 402, and *India*, 4-9-1903

307. CABLE TO BRITISH COMMITTEE OF I.N.C[1]

JOHANNESBURG,
August 4, 1903

WHILE EUROPEANS GRANTED PERMITS ENTER TRANSVAAL HUNDREDS INDIAN REFUGEES NOT ALLOWED ENTER MORE THAN SEVENTY WEEKLY. NON-REFUGEE INDIANS EVEN THOUGH EDUCATED NOT ALLOWED AT ALL. MANY INDIANS AT COAST THEREFORE SUFFERING. THOUGH EUROPEANS KAFFIRS FREELY ALLOWED ENTER TRANSVAAL FROM NATAL INDIANS TOTALLY PROHIBITED. EXCUSE PLAGUE THOUGH CONFINED ONLY DURBAN NOW PRACTICALLY AT AN END. INDIANS OFFER UNDERGO QUARANTINE OWN EXPENSE. THOUGH MR. CHAMBERLAIN CONSIDERING EXISTING LAWS GOVERNMENT HAVE ALREADY LAID OUT NINETEEN LOCATIONS. MAGISTRATE KLERKSDORP HAS SENT NOTICE THOSE WHO BEFORE SEVENTH INSTANT CANNOT PROVE POSSESSION TRADE LICENCE BEFORE WAR MUST GO LOCATION. END YEAR STORE-KEEPERS WHO HELD LICENCES BEGINNING YEAR DO NOT GET RENEWALS IF THERE WAS BREAK DUE OFFICIALS' REFUSAL. THIS CONTRARY BAZAAR NOTICE. ASSURANCE EXISTING LICENCES WOULD REMAIN UNTOUCHED IMPERATIVELY NECESSARY. INDIAN TRADE SUFFERING. SUSPENSE TERRIBLE. RESPECTFULLY PROTEST AGAINST LORD MILNER'S STATEMENT SEGREGATION NECESSARY SANITARY MORAL GROUNDS. MORALITY PLEA FIRST HEARD FROM BRITISH REPRESENTATIVE. SANITATION CHARGE REFUTED BY TWO DOCTORS ONE SANITARY EXPERT.

GANDHI

India Office : Judicial and Public Records, 402

[1] This appeared in *India*, 7-8-1903, as from its "Johannesburg Correspondent" and in *The Times of India*, 26-8-1903, as from "A British Indian".

308. MR. CHAMBERLAIN'S DESPATCH

The despatch of Mr. Chamberlain addressed to Lord Milner on the question of indentured Indian labour for the Transvaal is of momentous interest to the Indian community. It may be divided into three heads:

First: Mr. Chamberlain refuses to even think of sanctioning the introduction of Asiatic labour into the Transvaal in any shape or form until he is clearly satisfied that it is the wish of the majority of the white population of the Transvaal.

Secondly: That even if it is made clear, it is a question whether indentured Indian labour with a view ultimately to repatriation of the labourers would be sanctioned so far as India was concerned.

Thirdly: That before he could say yes or no, the conditions laid down by the Indian Government would have to be satisfied, namely, that the existing legislation should be so modified as to remove the special tax of £ 3 for registration and abrogate the Location regulations, except for those for whom they may be necessary on sanitary grounds, to include freedom to trade outside Locations, freedom to hold property except for speculative purposes, and to remove all special restrictions against the better class of Asiatics.

Now with reference to the first point, every right-minded man must agree that indentured labour from India cannot be thrust upon the Transvaal in the teeth of the opposition of the majority of its European inhabitants, and we can only hope that the majority will always remain opposed to the introduction of indentured labour from Asia, whether it is India or China. On this point, though not for the same reasons as would guide the Europeans, there is complete agreement between European opinion and the Indian. In the long run, indentured labour under the conditions mentioned can do absolutely no good to either party. To the Europeans it would be in the highest degree demoralizing, and to the labourers entirely unprofitable.

As to the second point, we hope that the Indian Government would never listen to the novel proposal, as Mr. Chamberlain

terms it, of repatriation. There is no precedent for such a step. So far, the Indian Government have turned a deaf ear to any such advance from other Colonies, and although we are aware that the influences that can be set in motion on behalf of the Transvaal are very weighty and great, we think that they cannot be allowed to outweigh the interests of the Indians, which it is the special duty of the Indian Government to safeguard, and if the condition of repatriation is insisted upon, it cannot by any stretch of imagination be said to be for the benefit of the Indians. Indeed, Lord Milner does not say it is, he only suggests it "in view of public feeling". And the British Indians in South Africa would be simply selling for a mess of pottage the rights of thousands of their humbler brethren in India if, in a weak moment, they ever accepted the principle of bargaining away the liberties of Indian labourers in exchange for their own.

It is, however, the third point which is of the greatest importance to the Indian community, especially in the Transvaal, and it is refreshing to find the Indian Government sticking out on behalf of the British Indians who have settled in the Transvaal. Of course, it is very difficult to know what is meant by "better class Asiatics" and "speculative acquisition". We very much fear that there would not be the same interpretation put upon these two terms by Lord Curzon and Lord Milner. It may be perfectly possible by a process of elimination to refuse to admit any Asiatic as "belonging to the better class", and there is no knowing that in the term "speculative acquisition" even an ordinary ownership may not be included. But we are dealing with these points before they have assumed a concrete form. It is yet too early to know how far the Transvaal Government would be prepared to accept the proposals of the Indian Government. We would only, at this stage, beg the authorities in India to remember that anything that is now done should be plain, unequivocal and, definite. Loopholes of any kind, as we know to our cost, are very dangerous. We, therefore, think that the qualifications ought to be included in any legislation, instead of leaving them to the discretion of an officer. As Lord Milner has said, the chief thing is to define the status of British Indians with certainty, so that everyone would be able to know what it is.

We are deeply indebted to Lord George Hamilton for including in his proposals the legislation of the Orange River Colony also. It is high time that the anti-Asiatic activity of the legislators of that Colony was arrested in its progress. As our columns would have shown, hardly a month passes without some disabilities

in anticipation being imposed on British Indians in that part of the British dominions.

Indian Opinion, 6-8-1903

309. THE LONDON MEETING—III

SIR CHARLES DILKE AND THE EAST INDIA ASSOCIATION

We have already dealt with the proceedings of the East India Association addressed by Sir William Wedderburn on the position of the British Indians in South Africa; but, as we consider that the meeting was of very great importance, and that the speeches made thereat demand very careful attention of the Colonists, we propose to deal with the speech made by Sir Charles Dilke, who presided at the meeting.

The Honourable baronet has always taken a very sympathetic interest in Indian affairs, and ever since the commencement of the struggle of the British Indians in South Africa, he has followed up his sympathetic attitude and endeavoured to secure justice for us. We, therefore, owe him, as well as the other distinguished friends who have been helping us in our troubles, a deep debt of gratitude. We wish to remind the Colonists that Sir Charles' opinions ought to carry a great deal of weight with them in view of the fact that he has made a special study of colonial questions. The author of *The Problems of Greater Britain* knows intimately almost every phase of the Colonial question, and we hope that his opinions will receive the weight that attaches to his ripe experience of the King's dominions beyond the seas.

This is what Sir Charles Dilke said at the meeting in his preliminary remarks:

> The question which brought them together was that of Indians in the Transvaal in particular, but, of course, incidentally, the position of Indian subjects outside India in all parts of the British Empire was one that very naturally produced much feeling in India itself. He was present some time ago at a deputation to the Secretary of State which was introduced by the late Mr. Caine, and on that occasion by none of those who advocated the principle, which brought Sir W. Wedderburn there that afternoon, i.e., the principle of the right of British Indian subjects to live freely and carry on their avocations freely in all parts of the British Empire—was that cause pleaded more strongly than by the Secretary of State himself. It was impossible for any members to be otherwise than satisfied with the Right Hon. Gentleman's language.

The above quotation shows the sentiments of Sir Charles Dilke. The more one studies the question, the more convinced one becomes of the justice of the claims put forward on behalf of the British Indians in South Africa. One reads similar observations on the part of the Indian Government in the correspondence lately published in the Transvaal, and reproduced by us last week. We shall, however, deal with it later on.

That the meeting was held under the auspices of the East India Association is also a matter of considerable importance. The Association is one of the oldest established in the United Kingdom in connection with Indian affairs, and numbers among its members most of the retired Viceroys, Governors, and distinguished Anglo-Indians who have devoted years to the study of Indian problems. That such a body of men should throw the weight of their great influence in favour of the Indian subjects of His Majesty settled in South Africa cannot but be a matter of very great satisfaction to us. It shows unmistakably that not only are our demands just, but that if we have patience enough, we are bound to win in the end. We have very great faith in the education of public opinion, and it is because we feel strongly that, the more food the Colonists get for consideration of this particular problem, the quicker will be the solution, that we try to keep the proceedings of the East India Association as prominently as possible before them.

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310. IMMIGRATION RESTRICTION BILL

In spite of the efforts of the Honourable Mr. Jameson to secure a sympathetic hearing for the British Indian petition to the Legislative Council, the Immigration Restriction Bill has passed without an amendment. Mr. Dan Taylor's straightforward remark that the printing of the petition was a waste of public money has come true. It seems both the Houses had prejudged the issue and made up their minds about the Bill. We wonder what Sir John Robinson thinks of this latest instance of the local Parliament practically denying the right of the British Indians to be heard with any effect. At the time of introducing the disfranchising Bill, he declared that the rights of the disfranchised would be jealously guarded, as every member would consider himself in a measure a guardian of the rights of the disfranchised. Well may the Indians say: 'Save us from our guardians.'

We hope we have shown conclusively that the prayer of the petitioners was very reasonable. It was something to have their assent to the principle of the measure, and what they suggested was nothing but an experiment. But our legislators thought otherwise. To them the pleasure of insulting their Indian fellow-subjects and their cultivated languages was of far greater value than the performance of a simple duty they owed to India and the Empire. They are satisfied that they can draw upon Indian labour which is so indispensable for the prosperity of the Colony. We are told that the members open their proceedings with a prayer, and that the Bible occupies a conspicuous place on the Speaker's or the President's table. We wonder if the followers of the Prophet of Nazareth ever saw a little verse from the lips of their Master: viz., "Do unto others as you would be done by", or is it that the printers have made a mistake and omitted a little 'not' after 'do'? Let us see how Mr. Chamberlain the Imperialist treats the petition.

Indian Opinion, 6-8-1903

311. POTCHEFSTROOM INDIANS

We have to congratulate the British Indians in Potchefstroom on having held a very successful meeting in connection with the recent prosecutions regarding Locations at that place. The reasonableness of their resolution is undeniable. It says that no action should be taken by the Transvaal Government until His Majesty's Government has declared its views on the subject. No exception could possibly be taken to such a request. Mr. Chamberlain has more than once assured his questioners in the House of Commons that he is going to consider the whole question thoroughly and carefully and advise Lord Milner as to what he is to do. It is, therefore, quite clear that the solution does not rest entirely with the white Colonists of the Transvaal. If, therefore, the Imperial Government is to have a say in the matter, it certainly seems incomprehensible that the Government of the Transvaal should be in such a haste as to override all considerations of justice, and summarily send the Indians to Locations. We draw the attention of the authorities to the following from Mr. Abdool Rahman's[1] speech:

[1] Secretary, Potchefstroom Indian Association

It grieved him to have to refer to the fact that the local police still visited their houses in the early morning and marched them to the Police Station like a herd of criminals simply for the purpose of exchanging their permits, and he thought that they should protest against this sort of thing to the high officials, and he felt sure they would get sympathy.

It is due to all parties concerned that the Government should institute a searching enquiry into the allegations made, for, if the statement is true, the proceedings seem to be insufferably high-handed.

Indian Opinion, 6-8-1903

312. RUSHING THINGS

Potchefstroom has set the ball rolling with reference to the enforcement of the Bazaar Notice, as will appear from the short report of the magisterial proceedings which we have copied elsewhere. It will be seen that proceedings have already been taken against about a dozen British Indians for residing outside the Location. This is what may fairly be called "rushing things". Mr. Chamberlain is supposed to be considering Lord Milner's despatch on this very question; the Government of the Transvaal are supposed to be considering new legislation to replace the existing Law. We wonder whether, before the result of their deliberations is made known, it is the intention to give full effect to the Bazaar Notice irrespective of consequences to those who are affected by it. Even the late Orange Free State, when it passed drastic anti-Asiatic legislation, had the decency to give a year's time to those that were already settled under the late Republic. It must be remembered that most of these people who have been prosecuted are old residents of the Transvaal. They have never before been molested in their occupation. The Bazaar Notice was published in April last. Hardly have the people realized their situation. And while protests against it are still being considered, within three months of the publication, without even a written notice, summonses are sprung upon them. However, the Magistrate has been good enough to adjourn the case to the 4th of August in order to allow the accused to bring evidence. As, therefore, the matter is *sub judice* and as we understand an approach has been made to the Government for relief, we hold over further remarks.

Indian Opinion, 6-8-1903

313. *PHENOMENAL ACTIVITY*

The activity of the Orange River Colony Legislature towards restricting in anticipation the rights of British Indians is simply phenomenal. From the *Government Gazette* of that Colony dated the 24th of July, we quote below the sections from the Ordinance regulating the Municipal Corporation and Government of Bloemfontein, giving powers to the Town Council with reference to Locations.

> 118. The Council is empowered to establish Locations on such part or parts of the Municipal lands as it may think fit, within which all coloured persons other than domestic servants residing in their employers' premises shall be compelled to reside, and may from time to time close such locations and establish other or others. The Council is further empowered to frame regulations for the proper control of all such Locations.
>
> 119. The Council shall make compensation to the owners of any huts, dwelling houses or other buildings on such Locations which shall be pulled down or removed by the Council for the value of the same, to be ascertained by the Municipal Valuers and approved by the Council.
>
> 120. The Council shall be and is hereby authorized, subject to the provisions of sections 124 and 125, to make, amend or repeal regulations for the control of natives residing within the Municipality, and for all or any of the following matters:
>
> (a) The proper registration of natives employed by the day or month, or any longer period or seeking employment within the Municipality.
>
> (b) The registration of contracts between masters and servants who may wish to register such contracts.
>
> (c) To control vagrancy, or riotous or indecent behaviour.

Our readers will notice that in the sections, "natives" and "Coloured Persons" are convertible terms and mean one and the same thing. That they may be removed like criminals or cattle from one place to another at the sweet will of the Corporation has not struck the British Legislators in the Colony as highly un-British. Comment is superfluous.

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314. STOOPING TO CONQUER

The visit of Their Majesties the King and Queen to Ireland is one of vast significance not only to the Irish people but to the Empire at large, and it teaches the humblest of His Majesty's subjects a practical lesson in humility in a manner which the most thrilling sermons from the pulpit would fail to teach. The Dublin Corporation, shall we say, in its pettiness, thought fit to decline to present an address to the King and the Queen on their visit to Ireland, as if they were responsible for that country's distress. Now, in the face of such an attitude, what did Their Majesties do? They might have refused to visit Ireland, seeing that its capital city was not prepared to extend a formal welcome to them; or, having gone there, they might have shown in a significant manner their displeasure at the proceedings of the Corporation. But they were pleased to think otherwise; and they have actually by their warm words of sympathy and open-hearted manner disarmed all opposition, and by returning good for evil shamed the Corporation of Dublin into an attitude, so we are told, of repentance. We read further in the cablegrams that the King walked through the slums of Dublin, visited the homes of the poor, and spoke to them words of sympathy. Nor did Their Majesties stop at mere words or sentiments of sympathy; they have translated them into a donation of £ 1,000. Now we are very apt to think that sovereigns can afford to give away money without feeling the slightest pinch, but it is a well-known fact that, probably of all the first-class sovereigns in the world, the English King is the poorest, and when one adds to this the fact that there are a thousand and one calls on the purses of sovereigns, the donation, to our mind, is by no means an insignificant portion of Their Majesties' acts during their tour in Ireland. Her late Majesty the Queen has left behind her a memory that cannot be easily forgotten; but, if it were possible to eclipse such a memory, or even to equal it, it seems that our present King-Emperor and Queen-Empress bid fair to do so. The British Constitution has been well settled during the long Victorian era. There is, therefore, not the slightest fear of any tampering with it. It is then a matter of great satisfaction to all the King's subjects that he does not spare himself in actively looking after their welfare in his

own domain. But, apart from what we have said above, the event has a special significance for India. Our readers will remember that when he was Prince of Wales, the King-Emperor visited India, and by his generous sympathy was able, during his short visit, to win the hearts of the Indian people. He has evidently further developed that trait in his character to a very great extent. Have we not, then, reason to hope that whenever an opportunity occurs, like his illustrious mother, he will not fail to put in a word on behalf of his millions of subjects in India, even though they are several thousand miles away from him?

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315. MIXED UP

It grieves us to find Lord Milner appealing to the gallery, and that in State documents. His Excellency's despatches to Mr. Chamberlain on the Indian question show unmistakably that Lord Milner, the statesman, has not left behind Mr. Milner, the editor of the *Pall Mall*. In his two despatches lately published in the papers, His Excellency has made the following three statements which, with due deference to him, we are constrained to say, are without foundation: (1) The Indian traders and hawkers are of no benefit to the Transvaal. (2) The Indians are overrunning the country. (3) Segregation is necessary on moral and sanitary grounds. With the first two, we have dealt already. In passing, we may advert to the statement made by the Colonial Secretary that there are only 10,000 Indians in the Transvaal, i.e., hardly half the number of Indians before the war, that only seventy Indian permits are issued weekly as against hundreds of European permits, and that many Indians who had innocently entered the Colony have been hounded out of it because they entered the country without a permit. Segregation is necessary on moral and sanitary grounds! We seem to be reading the pre-war petitions of interested traders presented to the President of the late Orange Free State, which made all kinds of charges of immorality against British Indians. The British agents *then* protected us from them. It had remained for Lord Milner to revive them and give the stamp of his high authority. His Lordship does not appear to have deigned to give particulars. That the staid, sober, industrious, godfearing Indian can do a moral injury to a community with which he may come in contact is a 'novel' idea. Even the late Transvaal

Government never brought such a charge against him. We respectfully submit to His Excellency that, in justice to the King's inoffensive Indian subjects, he should either withdraw it, or substantiate it by producing facts. As to the hackneyed charge of insanitation, we refer His Excellency to the voluminous evidence produced by the British Indians in 1896 in refutation. That portion of it which is true is not serious, and in any case the fault is largely that of the authorities for the neglect of the community; and the serious portion of it is, in the opinion of unbiased Europeans, not true. Dr. Veale, for instance, says:

> I have generally found them (the Indians) cleanly in their persons, and free from the personal diseases due to dirt or careless habits. Their dwellings are generally clean, and sanitation is willingly attended to by them. Class considered, I should be of opinion that the lowest class Indian compares more favourably with the lowest class white, i.e., the lowest class Indian lives better, and in better habitation, and with more regard to sanitary measures, than the lowest class white. . . . Generally, in my opinion, it is impossible to object to the Indian on sanitary grounds, provided always the inspection by the sanitary authorities is made as strictly and regularly for the Indian as for the white.

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316. ACCURACY NEEDED

The gentlemen at Boksburg continue to take an interest in the Asiatic question. It is a thousand pities that to their activity they do not care to add accurate knowledge. It is unjust to themselves, and unfair to the poor Asiatics. Their resolutions would not carry the same weight that they would if they were based on facts, and a judgment based on a misconception of facts is likely to do unintended harm to those to whom it applies. We notice that at one of their meetings, the President, Mr. Alex. Osborn, is reported to have delivered himself as follows in support of the resolution that "if the recent Ordinance dealing with Asiatics be put into operation, the effect will assuredly be disastrous to the vital interests of the European traders of these Colonies. They, therefore, urge the Government to enforce in its stead the Law which was passed by the late Government of the Transvaal which, if stringently carried out, will meet the exigencies of the situation": "The Boksburg Chamber was a credit to the Colony in its judicial judgments and its manner of bringing the

trading community's grievances so well and prominently forward." Now, with due deference to the "judicial judgements" of the Boksburg Chamber, we might be permitted to remind the members that what they are pleased to call "the recent Ordinance" is merely a Government Notice showing their determination to enforce the law of the late Government of the Transvaal. That the Notice is intended to carry out the law stringently, we have shown conclusively on more occasions than one. We, therefore, hope that the gentlemen who form the Association will read up the law of the late Republic and the Government Notice, compare the two and inform themselves as to how the law was being worked during the Boer regime, and then answer the question for themselves whether or not the old law is being stringently carried out.

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317. NOTE ON CABLE[1]

JOHANNESBURG,
August 10, 1903

DETAILED EXPLANATION OF THE TELEGRAM DATED AUGUST 4 ANNEXED HERETO

I beg to enclose herewith copy of the cablegram[2] sent last week; we are anxiously awaiting result.

The telegram divides itself into seven parts:

(1) Non-refugee Indians are not allowed to enter the Colony at all, thus causing grave inconvenience to local men.

(2) Even refugee Indians are very sparingly allowed.

(3) There is a total embargo on Indian arrivals from Natal on the excuse that there is plague there. Europeans and Kaffirs are freely allowed. Indians in the Transvaal are now permitted to visit Natal and return. The embargo is, therefore, hardly a plague prevention.

(4) Mr. Chamberlain is considering Lord Milner's dispatch, also the existing anti-Indian law, and yet the Government have already laid out 19 Locations. Measures, under the existing Law,

[1] This was sent to Dadabhai Naoroji who forwarded it to the Secretary of State for India. It appeared in *India*, 18-9-1903, with slight omissions, as from its Johannesburg Correspondent.

[2] *Vide* p. 474.

of a temporary nature, may be taken pending replacing legislation, but measures of a permanent character, such as the fixing of Locations, are difficult to understand, if the law is really to be modified.

(5) Mr. Chamberlain promised that all existing Indian licences to trade outside Locations granted by British Officers would be respected. But, apart from such promise, the least that the Indians expect is a recognition of their vested interests under the British Constitution whether they were created before or after the war. Under the Bazaar Notice, the licences of those who did not hold such on the outbreak of war are in danger. The printed memorial to Lord Milner is still under consideration, but an early assurance regarding the licences is necessary to ease the mind of the community.

(6) Some licences were granted last year to Indians who did not hold them on the outbreak of war. These were not renewed this year by the Officers. According to the Bazaar Notice, such licences are renewable up to the end of the year at least. Yet on the plea that they have lapsed, the Receiver of Revenue at Johannesburg refuses to renew them, though the fact that they were not renewed at the beginning of the year is no fault of the licensees.

(7) Lord Milner is reported to have said that compulsory segregation is necessary on moral and sanitary grounds. The charge is so serious that it was thought wise to refute it by cablegram. Nothing more need be said at present about it. Restriction of trade to Locations cannot be justified even if the charge were true. The Editor of the *Indian Opinion* is dealing with the charge more fully and quoting from official documents a statement in refutation.[1] I may mention that the management of the paper is in responsible hands and that great pains are taken to give the most accurate information, and to observe strict moderation.

M. K. GANDHI

India Office : Judicial and Public Records, 402

[1] *Vide* the following item.

318. *EVIDENCE AGAINST LORD MILNER'S CHARGE OF INSANITATION*

In view of the cablegram published in the newspapers in the Transvaal to the effect that Lord Milner has dwelt on the insanitary condition of the Indian Location at Johannesburg in his despatch on the proposed change in the existing legislation of the Transvaal, we give below extracts from the evidence given by Dr. F. P. Marais and Dr. Johnston.

It will be remembered that Dr. Marais is a medical gentleman having about ten years' practice in Johannesburg, having large practice among the Indians, and possesses the M.D. degree of Edinburgh.

Dr. Johnston is a sanitary expert, is a Fellow of the Royal College of Surgeons, Edinburgh, and holds a diploma of Public Health of Edinburgh and of Glasgow, and possesses very wide South African experience.

We have not copied the whole of Dr. Johnston's interesting evidence where he is made, in cross-examination, to compare his own statement with that of Dr. Porter, the Medical Officer for Johannesburg. Those that have the time to go through the voluminous evidence given before the Johannesburg Insanitary Area Improvement Scheme Commission are referred to the printed evidence published on the 22nd January this year.

Dr. Porter is a very estimable gentleman, but has next to no experience of life in South Africa. To him, anything that fails to come up to the standard observed in London, and is untidy or uncouth, is quite insanitary. There is only one word we know that would describe his evidence, namely, hysterical. We give one sample. This gentleman says of the Indians in the Johannesburg Location:—"They would never think of calling in a doctor and, ostrich-like, would consider it the right thing to conceal the existence of the disease."

Dr. Johnston, when asked what he had to say to this evidence, retorted, "You have Dr. Marais' statement to the contrary."

The reply is conclusive. Dr. Marais has had nine years' practice among the Indians; Dr. Porter, as admitted by himself, has had no experience among Indians. How did he then know that they "never thought of calling in a doctor", or that they "consider it the right thing to conceal the existence of the disease"?

However, the extracts we quote from the evidence of the two gentlemen above referred to speak for themselves.

Dr. F. P. Marais' Evidence on General Condition (Indians)

Q. You have practised among them for a considerable period?

A. Yes, for about eight or nine years.

Q. You have a large practice there?

A. Yes, I have a good practice amongst them.

POSITION

The position of the Indian Location is good, being on a slope, with a good fall. Besides, there is a deep sluit at the lower border, which acts as a drain.

CONDITION OF SURROUNDINGS

North side—Perfectly clean.

South side—Good.

East side—The big open space was, till lately, used as a depositing site for nearly the whole of Johannesburg, and is in a filthy condition.

West side—Kelly's Home, clean.

Beyond that, most disgraceful, due to all sorts of rubbish, manure, etc., being deposited there by the Town Council's sanitary carts, and others.

Thus, it will be seen that the Location is fairly well isolated, and the surroundings good, *except where they have been rendered insanitary by the Town Council, past and present*. For the rubbish, etc., on the square north of Fordsburg (and only a few yards from its northern boundary), the present Town Council is responsible.

INFECTIOUS DISEASES

Since compulsory notification, I have had only two cases of acute dysentery in the Coolie Location. Not a single one of typhoid. There were a few cases of malaria, but all contracted in Delagoa Bay. Not a single case of diphtheria, of which I had lately four in Vrededorp, four in Fordsburg, and one in Burghersdorp, at the back of Hoffman's old bar.

CONDITION OF HOUSES AND YARDS

Was asked to inspect Stands 75 and 77 (Bhayroo's) with houses thereon. Found 75 clean, with a well-built brick building, large lofty rooms were ventilated. Closets also of brick, and clean yard.

Stand 77.—Iron building, large rooms well-ventilated, yard clean.

Stand 36.—Iron house, big rooms, lofty and well ventilated. Yard, etc., clean.

THE TOWN COUNCIL'S NEGLECT

MR. BALFOUR: Now, just in amplification of that report, what were you to tell us as to the sanitary carts on the west side? That it is only since the new Town Council was appointed that that square has been used for depositing the rubbish and manure which has not been wanted anywhere else.

Did you see some carts there recently?—I saw them every day, and some time ago, I went to the manager, the new sanitary manager, and complained to him about rubbish being deposited there. At that time, I was not sure whether the carts were sanitary carts or not.

ME. FORSTER: When was that?—About a fortnight ago, and I lodged a complaint with the new sanitary manager. He told me he knew nothing about it, and he could do nothing for me, and I had to go.

THE CHAIRMAN: This is hardly evidence.

MR. BALFOUR: No. What I want is your own experience in the matter.—Well, after that I went to see whether these were Town Council carts or not.

Did you go personally?—Yes, I did; and found that they were sanitary carts. Yesterday morning I saw two sanitary carts depositing rubbish there.

HEALTH OF INDIANS

Now, speaking from your own experience of your patients in the Coolie Location, what have you to say as regards the question of typhoid among the Coolies?—Typhoid is considered to be eminently a filth disease, one of the diseases ascribed particularly to filth and dirt, and the fact that I have not had a single case of typhoid during these nine months speaks well for the Coolie Location.

Do you think Coolies are not subject to typhoid?—I should think they are as subject as other people.

Have you had any cases of enteric?—Not a single case.

SANITARY SERVICE—INDIFFERENT

Now, with regard to the sanitary service there. Is that good, bad, or indifferent, according to your experience?—I should think it pretty indifferent.

Have you ever had occasion to look at the buckets there? — Yes; in the beginning of September, I attended an old woman, one of the cases of consumption mentioned in my report; and I saw three buckets in a row, all overflowing, which ought to have been carted away by the authorities.

Have you ever noticed anything in the streets with regard to the sanitary service?—One day I was passing when one of the Coolies called me in and showed me the contents of two buckets being emptied into the road. He asked me to give him a certificate to the effect that I had seen it, as he wanted to go to the Town Council and complain. I gave him a certificate that I saw the contents lying there, but I did not see them being emptied.

I saw the contents, and there was no doubt that the contents had come out of the buckets.

A Comparison—Poor Whites and Poor Indians

With regard to the overcrowding there, do you think the Coolie Location is very much overcrowded?—I do not think it nearly as bad as some parts of Ferreira's Township and other parts of Johannesburg.

Have you occasion to go to the Coolie Location at night?—Yes, I have a good practice all over these parts among the Coolies, and I find that they (meaning Europeans) are very much overcrowded in Ferreira's Township, almost worse, I should say, than in the Coolie Location.

Now, among poor white areas, have you seen any overcrowding there? —Yes, there is great overcrowding near the Goods Station, at the west end of Kerk Street and Jeppe Street, amongst poorer classes of whites.

Cross-Examination—Is the Location Sanitary?

The Coolie Location. Are you prepared to pledge your professional credit and state that that Location is a sanitary place?—I am prepared to state that it is as sanitary as many parts of Johannesburg.

Pardon me, we will come to that presently. We are dealing with the Coolie Location. Are you prepared to state that, in your opinion, that is a sanitary area?—I am prepared to state that the soil is as good as any soil in Johannesburg.

Never mind the soil; I am speaking of the whole area.—Some of the houses are insanitary, but the majority of them are not insanitary.

My question was whether the area, as a whole, was a sanitary area?—As a whole, I would say the area is sanitary.

You say that, on the whole, you consider this area sanitary?—Yes.

The Coolie Location?—Yes. I have been amongst these people for the last ten years, and now I know almost every house.

And from your intimate acquaintance as a medical practitioner in that neighbourhood, you say that the area as a whole is sanitary?—As a whole, it is sanitary,

You are aware that several medical gentlemen in practice in Johannesburg have given strong evidence to the contrary?—I know doctors differ.

And you are prepared to differ from them?—I am prepared.

Dr. Johnston's Evidence

Dr. Johnston, the Specialist, on the Condition of the Buildings in the Indian Location

Examined by Mr. Balfour.

You are a Fellow of the Royal College of Surgeons, Edinburgh?—Yes.

And you hold a Diploma of Public Health of Edinburgh and of Glasgow? —Yes, a Diploma of Glasgow and of Edinburgh.

How long have you been practising in Johannesburg?—Since August, 1895.

And how long in the Transvaal?—That is the time I have been practising in the Transvaal.

Now, then, with regard to the buildings on the Coolie Location, I understand that on the former occasion you made a house-to-house visitation?—Yes.

And you saw a good many houses, a day or two ago?—I did see a certain number.

Now, speaking generally, what is your general opinion in regard to the buildings on these stands?—There are stands on which there is a certain amount of overcrowding, that is, where buildings are huddled together. Dr. Porter calls them "congeries of narrow courtyards". Well, there are one or two cases that might be described as such, but, taking the area as a whole, it is not overcrowded with buildings. On nearly every stand where there are buildings, they have got a regular square courtyard, and in most instances the buildings are ranged round the courtyard. I have not come across one instance where there was no courtyard, as, if there was no courtyard on one stand, then they had the courtyard on an adjoining stand. I do not know whether it is a feature of the buildings of the Indians or not, but it certainly prevails there.

Speaking generally, are these courtyards usually wide enough for health purposes?—Yes; and I think it a very wise provision on the part of those Indians that they made these particular courtyards.

Are they wide enough for purposes of ventilation?—They are exceedingly good for purposes of ventilation. In these courtyards, they seem to sit a good deal, instead of in their houses.

The result of building the rooms round the courtyard is that every room opens directly into the air?—Yes; into the courtyard.

Now, there were some buildings you found to be very bad?—There are some not in a good state of repair.

Will you mention the worst place?—The worst one I came across was on Stand No. 28, belonging to a man named Bajanath.

What was the nature of that?—On that Stand, fronting the house, there is a sod-built house, what is known as a lean-to house. I specially wanted to see that, because it struck me as being particularly bad. I accordingly told the man, with whom I went, that I wished very much to see that particular Stand, and he took me over it. I found this low sod house, and in the courtyard a number of what I should describe as scratch-work tin shanties. The whole of the buildings on that Stand one would condemn as being filthy, and although I should say there is plenty of air in these tin shanties, still they are not such as one would like to see in a place like Johannesburg. I saw in the centre of this yard a great many bricks, and I asked the meaning of it,

MR. FORSTER: I do not think this is evidence.

THE WITNESS: I was told the bricks were there for the purpose of erecting a new building. That was what the Indian told me.

MR. FORSTER: I do not want to know what anyone told you.

MR. BALFOUR: That was the worst house you saw, Doctor. Are there any others as bad?—No; I do not remember others so bad. That was the only sod building.

Now, supposing you were the autocrat of Johannesburg, what would you do with that?—I would pull it down and make them build it according to sanitary regulations.

Are there any other houses you would treat in the same way in the Location?—At the top end there may be one or two, but I cannot recall to memory the individual Stands which I examined in June last. There may be one or two other Stands, not sod buildings, but iron buildings, which might be improved.

And what would be the total number of buildings you would condemn absolutely if you were the autocrat of the place?—I have not estimated the total number of buildings I would condemn, but I do not think that there are very many which I would condemn purely for insanitary reasons. I have not my notes with me which I took in June last.

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319. *AN EYE-OPENER*

MR. MOOR'S REPORT

Elsewhere we print the report drawn up by Mr. Moor, the Assistant Colonial Secretary of the Transvaal. It is a document of abiding interest to the Indian community giving, as it does, a resume of the position of the British Indians as on and up to the 31st December, 1902. The position has considerably changed since then. All the same, the report is a very fair indication of the intentions of the Government. In one respect, at any rate, the Government have considerably changed their attitude, to the detriment of the British Indians. We refer to the enforcement of the £3 registration. Mr. Moor says, in the report under review, that the £3 registration is not to be enforced. Now, however, it has been enforced with the utmost rigour. Several prosecutions, too, have taken place and, in some cases fines have been imposed on those who failed to have their names registered.

We wish to correct one statement made by Mr. Moor, namely, that the Resolution 1101 of the Excecutive Council of the late Government, notifying its intention to enforce the provisions

of Law 3 of 1885, was being carried out before war until the cause for it was removed by the exodus of the British Indians. An attempt was undoubtedly made, but owing to the intervention of the then British Agent and the then Vice-Consul, no proceedings whatsoever were taken, and when the Boer Government was asked about the notification issued to the different Landrosts the British Agent was assured that the Law was not to be enforced. Not a single British Indian was ever compulsorily removed to Locations or prevented from trading outside Locations.

Mr. Moor's summary of the objections on the part of the Europeans to the presence of the Indians shews the same lack of knowledge on their part as has been dwelt upon by the British Indians. We, therefore, do not propose to deal with them for the present.

With due respect to Mr. Moor, we feel constrained to say that he has fallen into the popular error of confusing immigration of Indian labour with the free immigration of people who pay their own passage and wish to enter the Transvaal as independent men. He also, evidently, mixes up the Indentured Immigration Act of Natal with the free immigration, and proceeds to suggest legislation under the belief that it would be similar to the legislation in other South African Colonies. On no other ground would it be possible to understand the proposal that, (first,) permits should be issued to those who may produce indentures from a responsible employer, (second,) that they should pay, by way of registration, £5 per head, (third,) that they should take out passes at 1/- each to control their movement. The first provision presupposes that every Asiatic has to enter the Transvaal only as an indentured labourer. The payment of £5 has, we suppose, been copied from the Natal Act, which imposes a penalty of £3 annually on those indentured Indians who may wish to settle in the Colony after the expiry of their indentures. The pass proposal, also, we presume, owes its origin to the Natal Laws. This shews that Mr. Moor has not been able to distinguish between Natal legislation regulating labour and the legislation regarding immigration.

Although we are quite willing to think that the confusion on Mr. Moor's part is an oversight, it does a great deal of injustice to the British Indians. Coming as it does so authoritatively, it is likely to produce a wrong impression on the minds of the people in the Transvaal and abroad. We hope, however, that it is unnecessary for us to deal with these proposals at any great length

in view of the fact that the policy of the Government has since been considerably changed, and that new legislation is being considered.

But the report in question shews how imperative it is for our countrymen in the Transvaal to be ever on the look-out for danger from unexpected sources. The report, moreover, proves most clearly that much of the prejudice against British Indians is based on want of knowledge. Every Indian, therefore, should consider it his duty to make a decided effort towards dispelling the existing prejudice by spreading correct information with reference to the habits of the Indian community as well as its aspirations. The best way to do it is for each and every one of us to endeavour to live the life of a model Indian. What that means is known to everyone who knows anything at all about India, and ought to be known to every Indian child.

In the last portion of the report in question, Mr. Moor says: "Asiatics would, on the whole, welcome the restriction of Bazaars on plans in conformity with those traditions to which they have been accustomed in the East," and that "they perceive that the concentration and grouping of their trades in fixed quarters would extend the scope of their business and attract buyers in large numbers". This, to us, is a revelation, and unless we have positive proof, we must refuse to believe that any responsible Indian could ever have made the statement. It is simply suicidal, and contrary to the effort of the Indian community, which it has been making in the Transvaal for the last fifteen years, to have the Location legislation removed. How is it possible that any well-knowing Indian could so suddenly change his mind and advocate and accept the principle of compulsory segregation whether it be called Bazaars or Locations?

Indian Opinion, 13-8-1903

320. GREYTOWN LOCAL BOARD

The Greytown Local Board is much perplexed over the possibility of an Indian buying or leasing land that is to be thrown open. The Principal Under-Secretary says in reply to its representation that the matter has been placed before His Excellency the Governor, who in his turn has sent the papers to Mr. Chamberlain. Mr. Meek, a member of the Board, considers it "inconvenient to prolong the matter for another year, awaiting negotiations". The Board has said the word, and it must come to pass

without delay. "In the beginning," we read, "[God said] Let there be light, and there was light." Now the Greytown Local Board is to give the fiat regarding British Indians, and who shall say nay! Seriously, we do not understand why, whenever it is the Indian who is concerned, the proposal is always to adopt any but the legitimate course. In the first place, we do not think there is any danger of an Indian buying land in Greytown in residential quarters. Secondly, in what way is he going to be an objection, if he puts up a structure in keeping with the bye-laws and the surroundings? This he, as everybody else, may be compelled to do. But a little regard for the feelings of the Indian, and the roughness would have gone without the Colonists running the risk of being in any way inconvenienced by the presence of the Indian.

Indian Opinion, 13-8-1903

321. A SUR-REJOINDER

The *East Rand Express* has paid us the compliment of quoting and replying to our remarks on the quarrel that is going on between Mr. Moor and the Boksburg Health Board on the latter's proposal to remove the present Indian Location to One Tree Hill. Our contemporary thinks that, in holding that the Government alone has the right to fix Locations, we have indulged in special pleading. We may be permitted to say that we have done nothing of the kind. We remind our contemporary of the fact that the Government Notice, it is not even a proclamation, is merely an indication of its intention to enforce the anti-Asiatic law of the Transvaal, and it lays down rules as to how and to what extent it is to be enforced. Our contemporary must know that the Government cannot alter or add to the law itself: that could only be done by the Legislative Council. Now the law says, "the Government shall have the right to appoint special streets, wards, and locations as their residence." There is, therefore, no power reserved under the law to the Health Boards or Town Councils. It is then quite clear that the notice in question merely pays a compliment to such Boards, in requiring the Colonial Secretary to fix Locations in consultation with Local Boards. It also presupposes a reasonable attitude on their part, and, to say the least of it, we venture to think that it is hardly correct for the Boksburg Health Board to convert what is a compliment during pleasure into a right, and to dictate to the

Colonial Secretary. We have dealt with this matter at length, because we feel that the Board has taken up a position which is clearly not warranted by law. We could wish our contemporary had not written the concluding sentences of its rejoinder. They seem to convey a threat to the Indians living in the present Location. We should be sorry to think that the people of Boksburg would so far forget themselves and the Imperial tie as to take the law in their own hands. And if threats are to frighten the residents of the Location, they would deserve to go. There is no room for cowards in South Africa. We are reminded of the incident that happened in Aliwal North some years ago. Then, in spite of the feeling of the local Europeans, the Magistrate refused to withhold from an Indian merchant the renewal of his licence which he had been in possession of for several years. The enraged gentlemen therefore—in hundreds—marched to the store of the offending Indian, and threatened divers penalties if he did not remove bag and baggage from the town. The Indian, in face of tremendous odds, stood his ground, and firmly refused to budge. The sequel was, protection was ultimately given to him, and he was left unmolested. We are living under British, not Russian, rule.

Indian Opinion, 13-8-1903

322. *THE USES OF ADVERSITY*

There can be no question that the British Indians in South Africa are hemmed in on all sides by restrictions more or less severe according to the Colonies in which they are imposed, and that they are also very much misunderstood. By this time, those of our readers who have followed these cloumns at all, attentively, would have noticed that there is ample proof for the two statements we have just made. The purpose of this article is to draw some lessons from these adverse circumstances. We are told "Sweet are the uses of adversity," which should be "the instructor of the wise." Let us see, then, whether we have learnt any lessons from adversity.

There are, in India, sharp divisions between the different races inhabiting it; for instance, the Tamils, the 'Calcutta men', as the inhabitants of the upper provinces are called here, the Panjabis, the Gujaratis, etc. There are also the Mahomedans, the Hindus, the Parsis, and others, according to religions. Then,

among the Hindus there are the Brahmans, the Kshatriyas, the Baniyas and others. Now, to our mind, if we have brought from India these divisions and differences as very valuable cargo to be treasured up all this distance, then there is no doubt that it would clog us at every step, and hinder our progress. South Africa ought to be to the British Indians a great Puri[1] where all divisions are abolished and levelled up. We are not, and ought not to be, Tamils or Calcutta men, Mahomedans or Hindus, Brahmans or Baniyas, but simply and solely British Indians, and as such we must sink or swim together. That the interests of all the divisions are absolutely identical cannot be gainsaid. That being so, it is plain enough that our duty lies in doing away with any such prejudices. That is a preliminary step, and an indispensable one. We are quite aware that our people have made a very great advance in that direction, but in drawing general lessons from our difficulties, the statement would be incomplete without a warning.

It is also incumbent on every Indian not merely to be satisfied with having made sufficient to feed and clothe himself and his family; he must be prepared to put his hands deep into his pocket for the public weal, and here again we know that the community throughout South Africa has not altogether failed in its duty, but we have no hesitation in saying that it might have done much better.

Courage and patience are qualities which one needs very badly when one is placed in difficult circumstances. We had, during the late war, a precious opportunity of watching these two qualities at their best among Englishmen in South Africa. The history of the siege of Ladysmith and its relief will always be an example of invulnerable courage and inexhaustible patience. Many Indians who took part as stretcher-bearers will be able to recollect the scenes that they were witnesses to at the fights of Colenso and Spion Kop. In spite of fearful odds and bad reverses, there was no yielding. When at one time, even General Buller was inclined to think that relief was impossible, the world knows that there flashed across the wire a message from the hero of Candahar, that as long as General Buller had one man left with him, he was not to give in. The great result we all know. Ours is not a struggle so difficult, or so heroic to contend against, but it teaches a lesson in courage and patience which we ought to learn.

[1] The reference is to the temple of Jagannath, 'Lord of the Universe', in Orissa, where caste distinctions are supposed to vanish. *Vide* also Vol. LXVI, pp. 413-4.

If no sum of money, no quantity of blood and no amount of time were considered too great for the honour of the British Empire to relieve what were, after all, a handful of the besieged in Ladysmith, shall we not think similarly when we are engaged in a struggle for our liberties, and come to the conclusion that we must have courage and patience enough to tide over passing misfortunes? We should not forget that "Calamity is man's true touchstone," and that "none can cure their harms by bewailing them".

But we require something more also. We are apt as a nation, and the Missionaries have brought it up against us as a charge, to look at things material with philosophical indifference, and make little of everyday comforts of life. Now, that is an attitude for which we have unbounded admiration; but it would be very much misplaced in South Africa. Such an attitude would be a credit to those who do not strive after material gain, but it becomes a misnomer in the case of those who strive their utmost in order to enrich themselves; and we do not know that there are many Indians in South Africa who have migrated with any other desire than that of bettering their material position. To such, then, it would be more philosophical to fall in with the natural order of things, and to be prepared to spend in proportion to their earnings. The charge, then, against the Indians that they live on nothing a year would be dispelled. At the same time, nothing can be further from our thoughts than to suggest that we, as a community, should give ourselves up to pleasure. What we do wish to emphasize is the fact that we ought, as far as may be, to "do in Rome as the Romans do", still retaining the attitude of mental indifference. If we can have such comforts, well and good; and if we cannot, well and good, also.

But, above all else, what is most needed in a community which considers itself to be ill-treated at the hands of others is the virtue of love and charity. It is well known that, after all, men, being creatures of circumstances, would do things which are unjustifiable quite unconsciously, owing to the control exercised over them by the circumstances in which they are placed. Is it not, then, necessary for us to be charitable in our judgments? We, as a people, are devoted to religious speculations, and to doctrines of non-resistance and of returning good for evil. We believe firmly in the fact of even our thought colouring the actions of those of whom we may think. We see such instances often in daily life. A great crime committed by a man has been known to change his face in such a way as to stamp the crime on it. Similarly,

a great good act done by a man has produced the opposite effect on his features, and he has been known, as the case may be, either to attract to, or to repulse from, himself people by his very act. We then hold it to be our paramount duty not to think evil of those who we may consider are dealing unjustly by us. There is hardly any virtue in the ability to do a good turn to those that have done similarly by us. That even the criminals do. But it would be some credit if a good turn could be done to an opponent. If this very simple thing be always borne in mind, we do think that success will come to us far more quickly than we are likely to imagine. We hope, as time goes by, to develop more fully each one of the points cursorily touched upon in this article. At present it is enough for us to ask our countrymen to ponder over what we have said, and to be always on the alert, otherwise, storm-tossed as we are, a surging wave may all of a sudden come upon us and engulf us, when any action we may wish to take will be *Too Late*.

Indian Opinion, 20-8-1903

323. *STANDING COUNSEL FOR SOUTH AFRICA*

Truly does Mr. Chamberlain hold a brief for the white Colonists in South Africa. Whether good or bad, the cause of South Africa he has made his own. He believes, and to a very great extent thinks rightly, that his business is to conserve the interests of the Colonies to the exclusion of every other, be it ever so great or just. And if the other ministers do not do justice to their clients, and if, as a consequence, they suffer, it is no fault of the Colonial Secretary. It is in that spirit that he has treated the very reasonable proposals of the East India Association suggesting an impartial inquiry into the question of anti-Indian legislation in the Transvaal. As counsel for his clients, he could not very well accept a proposal which might compromise their position. He would, therefore, enter into correspondence with Lord George Hamilton, counsel for the British Indians. Such a procedure leaves the position of the Colonists unfettered. The charges made by them against British Indians would remain unrefuted; and much less will have to be granted to the Indians labouring under such charges than would have been the case if the inquiry had been undertaken and the finding had exonerated them.

The generous effort of Sir William Wedderburn and the East India Association has met with little response; still, we do not

lose courage or hope. Mr. Chamberlain is undoubtedly sympathetic; Lord George Hamilton has promised to do everything he can to secure justice; and we doubt not that the Colonists, for whom Mr. Chamberlain has been doing so much, will not fail to accept his advice to extend to the British Indian settlers "fair and honourable treatment".

Indian Opinion, 20-8-1903

324. ACCIDENT?

The catastrophe at Paris[1] must have filled all the portions of the globe where the news reached with gloom. We can well imagine the feelings of the victims and the survivors. To us, these untoward happenings are not merely accidents but we look upon them as divine visitations from which we, if we chose, may learn rich lessons. To us, they show a grim tragedy behind all the tinsel splendour of the modern civilization. The ceaseless rush in which we are living does not leave any time for contemplating the full results of events such as have laced Paris in mourning for the time being. The dead will be soon forgotten, and in a very short time, Paris will again resume its usual gaiety as if nothing whatsoever had happened. Those, however, who will give the accident, if so it may be called, more than a passing thought, cannot fail to realize that behind all the splendour and behind all the glittering appearances there is something very real which is missed altogether. To us, the meaning is quite clear, namely, that all of us have to live the present life merely as a preparation for a future, far more certain and far more real. Nothing that the modern civilization can offer in the way of stability can ever make any more certain that which is inherently uncertain; that, when we come to think of it, the boast about the wonderful discoveries and the marvellous inventions of science, good as they undoubtedly are in themselves, is, after all, an empty boast. They offer nothing substantial to the struggling humanity, and the only consolation that one can derive from such visitations has to come from a firm faith not in the theory, but in the fact, of the existence of a future life and real Godhead. And that alone is worth having or worth cultivating which would enable us to realize our Maker and to feel that, after all, on this earth we are merely sojourners.

Indian Opinion, 20-8-1903

[1] On August 10, 84 persons were killed and many injured in a fire in the underground electric railway.

325. THE BLEEDING CRY

Will His Excellency the Lieutenant-Governor of the Transvaal, who is now also the Governor of that Colony and High Commissioner for South Africa, amid all his multifarious duties find time to listen to the bleeding cry of the British Indian refugees in Natal who are suffering agony owing to being prevented from returning to their homes? The number of cases that are being brought to our notice from day to day is very serious, and if His Excellency would only relax the embargo, it would be nothing more than an act of humanity, pure and simple. We have said before that there is no consistency about the plague policy of the Transvaal Government. They allow hundreds of Europeans and thousands of Kaffirs to enter the Transvaal from Natal from week to week without any restrictions whatsoever. The poor Indian refugees, so anxious they are to return to the Transvaal, have offered to undergo quarantine at Volksrust at their own expense, and still the Transvaal Government have so far turned a deaf ear to their petition[1]. Latterly, they have been allowing Indians from the Transvaal to enter this Colony and return. Will they not carry with them the plague germs and spread the dread disease in the Colony of the Transvaal? The Government evidently seem to think they will not. In their opinion, there must be something very special about the British Indian refugees in Natal that renders them more susceptible to plague than any other class of people. Really, this is going altogether too far, and unheard of in a British Colony. If the embargo is political, it would be simple honesty to make the confession, and tell the British Indian refugees in Natal that they need not hope ever to return to the Transvaal. Such a reply, if very unjust to the petitioners, would at any rate be honest, and remove the extreme suspense under which the poor refugees are at present labouring. If they may not claim to return to their homes, they have a right to be made absolutely certain as to their position, one way or the other, and we sincerely trust that the Transvaal Government would see their way to make a definite and decisive reply so that they would know where they are.

Indian Opinion, 20-8-1903

[1] This is not available.

326. PERMITS AND NON-REFUGEES

Apropos of the plague embargo, we might once more mention the severe restrictions that are imposed about the granting of permits to British Indian refugees throughout South Africa and the total prohibition against non-refugee Indians. The granting of 70 permits only per week to *bona-fide* refugees is altogether inadequate. As the Colonial Secretary informed the Legislative Assembly, there are a few thousand applications still undisposed of from applicants in South Africa. This does not take into account hundreds of Indians who are still in India and have not been able to return to South Africa for some reason or other. We fail to understand the reason for preventing the refugees from returning except in dribblets. That they have a right to enter the Colony is not disputed. If the only reason, therefore, that all are not allowed to return at once, be that of fear of congestion and too many Indians unable to support themselves entering the Colony, that would be undoubtedly a very fair objection, but there is a remedy, and a very safe one, against any such evil. Every refugee can be made to give reliable security that, on his entry into the Transvaal, he will not only be able to find suitable residence but that he has friends ready to support him in case of need. Then there need be no fear of overcrowding or starvation. The prohibition against non-refugees is also, in our opinion, very unjust. It means serious inconvenience to the Indian traders and others who may require assistants, salesmen or servants. And it is exceedingly unfair to the refugees themselves, who are deprived of earning in the Transvaal a certain livelihood which might be offered to them. We do not contend for one moment that all newcomers should be allowed to enter the Transvaal unrestricted, but we do think that those who have actual employment offered to them ought to be allowed to join such employment, without any hindrance. We, therefore, hope that the Transvaal Government will be pleased to give, this matter also their sympathetic consideration.

Indian Opinion, 20-8-1903

327. INDIAN TRADE LICENCES IN THE TRANSVAAL

JOHANNESBURG,
August 22, 1903

Lord Milner's dispatch, dated May 11 and addressed to the Secretary of State for the Colonies, has been received by this week's mail. The Indian community is grateful to His Excellency for the sympathy he has shown for them and regard for their feelings. There are, however, statements therein which require correction. It appears that they have been made on the persistent assertions of the members of the White League. His Excellency says in his despatch:

> Had we had to deal merely with the Asiatic population as it existed before the war, it might have been possible to remain passive until a new law could have been framed to the satisfaction of His Majesty's Government. But, with so many newcomers constantly pouring in and applying for licences to trade, and with the European population protesting with ever-increasing vehemence against the indiscriminate granting of such licences and against the neglect of the Government to enforce the law which restricts Asiatics to locations specially set apart for their residence, it became impossible to persist in the policy of complete inaction.

It is submitted that the Asiatic population even at the present day is smaller than it was before the war. The registration law has been enforced, and the result has been to show that there are not more than 10,000 Indians at present in the Colony. The official report published by the Government shows that there were at least 15,000 British Indians in the Colony prior to the war. Both these statements are official. Moreover, stringent "permit" regulations prevent any but British Indian refugees from entering the Transvaal. It is, therefore, hardly correct to say that the enforcement of the law became necessary owing to "so many newcomers constantly pouring in and applying for licences to trade". Moreover, the Bazaar Notice deals not merely with applicants for new licences but with all, whether they held licences prior to the war or not, subject to reservations made therein. Had the Government declined to issue licences to non-refugees, there would be nothing to complain

about, but as it is, the whole of the law is at present directed against *bona-fide* refugees. His Excellency says:

> The Government are anxious, however, to do so (enforce the law) in the manner most considerate to the Indians already settled in the country, and with the greatest respect for vested interests, even where these have been allowed to spring up contrary to law.

As has already been said in a previous letter, as well as in the printed memorial[1] submitted to His Excellency, vested interests are not respected in the sense here understood. Hundreds of Indians who traded before the war contrary to law (that is, without licences) are under notice to remove to Locations at the end of the year, causing complete dislocation of Indian businesses. Moreover, all the partners of a single firm are not allowed licences, but only one of them who happens fortunately to be in the country and anticipate his other partners. Nor are they allowed to remove their trade from one place to another in different districts. Nor are the licences transferable from one person to another, a prohibition which completely deprives the trader of the value of his goodwill. Thus, it will be seen that every Indian trader must ultimately remove his business to the Location.

His Excellency says (in answer to the complaint that the anti-Asiatic laws are being more rigorously enforced under the British regime than under the Boer regime):

> (1) It (Government) is providing in every town special quarters in which Asiatics may reside, and in the selection of these quarters, it is doing its best to choose sites not only healthy but affording reasonable opportunities for trade.
>
> (2) It has declared its intention not to disturb Asiatics who had established themselves in business before the war, but to renew their licences. Under the old Government, all these men were under notice to quit.
>
> (3) It proposes to exempt Asiatics of a superior class from all special legislation.

With reference to the first, it is hardly a relief that Locations will be established in every town, for it is against the establishment of these that the Indians very successfully protested under the old regime. With the exception, therefore, of a few towns, the late Transvaal Government did not dare lay out

[1] *Vide* "Petition to P.S. to Governor of Transvaal", pp. 388-98.

any Locations. Now the Government have already selected sites for nearly twenty townships. As to the choice of healthy sites affording reasonable opportunities for trade, in the absence of any information, it is difficult to say much, but what is already known is not very reassuring. In spite of the protests of the British Indians, the existing Location at Barberton is to be removed away, and though the distance is not very great, it is easy to understand what a great loss the traders of the Location must suffer by reason of the removal.

As to the second, under the Boer regime, and in spite of any non-declaration of intention not to disturb vested rights, the representations of British Agents protected them all up to the outbreak of hostilities. The notices to quit were then considered not to be worth the paper on which they were written (for all the Indian traders were under notice for several years, and yet they were never enforced). As soon as an attempt was made, a protest was sent to the Home Government and relief was instantaneous.

As to the third, if the exemption was of the nature, contemplated by Lord Milner, namely, "from all special legislation", it would undoubtedly be of considerable advantage, but the Bazaar Notice is in conflict with any such view. It merely grants exemption as to residence. The humour of the situation lies in the fact that respectable British Indians, if they would live in towns after the end of the year, would have to get special exemption and prove to the authorities that "they are in the habit of using soap", and that "they do not sleep on the floor", and so on. But Indians of the servant class are, by law, entitled to reside in towns without any special permission being necessary thereunder, for the section of the law reads: "The Government shall have the right to appoint special streets, wards and locations as their residence. This provision shall not apply to servants living with their masters." Hundreds of Indian servants, therefore, if not thousands (for they are very much appreciated as domestic servants), may live in towns without having to make any application for exemption, but a handful of well-to-do, respectable British Indians may not reside in towns without having to undergo the indignity of an offensive examination. No such exemption was necessary under the old regime because compulsory segregation was never adopted.

The statement, therefore, made by the British Indians that the anti-Asiatic laws are being enforced with a rigour never before known, is literally true.

As to the charge of insanitation based on an extract from Dr. Porter's report, the enclosed article[1] from *Indian Opinion* speaks for itself. If prejudiced statements were made against British Indians prior to the war, statements utterly unsupported by facts, the British Indians are still labouring under the same prejudice. The evidence of Dr. Porter falls undoubtedly under the same category.

To pass to another matter, the British Indian Mahomedans at Pretoria bought a piece of property for the purpose of erecting a mosque in Pretoria some fifteen years ago. This property still remains in the name of the seller owing to the Boer law prohibiting the ownership of land by Asiatics outside Locations or streets set apart by Government. Several representations were made to the British Agents prior to the war, and on the eve of it, Sir Conyngham Green assured the British Indians that, if war broke out, there would be no difficulty about the transfer after its conclusion. In spite of several representations, the Government has refused at present to allow the land to be registered in the names of the trustees. A letter has been addressed to the Colonial Secretary by Mr. Hajee Habib on behalf of the Mahomedan congregation.[2] The seller is a very old man and, in the event of his unfortunately dying before the transfer is given, complications may arise meaning loss of property which is very valuable to the British Indian Mahomedans in Pretoria. The same difficulty has been experienced in Johannesburg with reference to the Johannesburg Mosque, but here the need is not so great, as the seller is not in the same position as the seller at Pretoria. It is, therefore, hoped that Mr. Chamberlain will be pleased to induce the Government to grant the transfer.

India, 18-9-1903

[1] *Vide* "Evidence Against Lord Milner's Charge of Insanitation", pp. 487-92.

[2] *Vide* "Letter to Colonial Secretary, Transvaal", pp. 469-70.

328. *PETITION TO SECRETARY OF STATE FOR COLONIES*[1]

DURBAN,
August 24, 1903

TO
THE RIGHT HONOURABLE JOSEPH CHAMBERLAIN
HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES
LONDON

THE PETITION OF THE UNDERSIGNED REPRESENTING THE BRITISH INDIANS RESIDING IN THE COLONY OF NATAL

HUMBLY SHEWETH THAT:

Your Petitioners humbly venture to approach His Majesty's Government with reference to the Immigration Restriction Bill passed during the present session of the Legislative Assembly of the Colony of Natal.

Your Petitioners, while accepting the principle of the Bill, took the liberty of protesting against certain clauses thereof, and presented memorials[2] to both Houses, but, unfortunately for your Petitioners, none of the objections raised by them were entertained by either House.

It has, therefore, become incumbent upon your Petitioners to approach you, fully trusting that you will be pleased to secure for your Petitioners the relief requested in the memorials above referred to.

As all that could be said on behalf of your Petitioners is stated in the memorial presented to the Honourable the Legislative Assembly, your Petitioners venture to attach hereto a copy thereof, and request your kind consideration of same.

Your Petitioners would not trouble you with any further argument but would add that, in their humble opinion, the request contained in the memorial is exceedingly reasonable; and seeing that the present Bill is an experiment, your Petitioners think that a tentative adoption of your Petitioners' suggestions could not be of any disadvantage to the European Colonists.

[1] This was sent as an enclosure to Despatch 370 dated December 18, 1903, from the Governor of Natal to Secretary of State for the Colonies.

[2] *Vide* pp. 415-7 and 439.

Your Petitioners, therefore, humbly pray that you will be graciously pleased to advise His Majesty to withhold the Royal Assent or to grant such other relief as may be meet.

And for this act of justice and mercy, your Petitioners shall, in duty bound, for ever pray.

Colonial Office Records : C. O. 179, Volume 227, Despatch 370

329. *PREJUDICES DIE HARD*

We are indebted to *The Times of India* for the letter of the Special Correspondent at Johannesburg of the *Daily Telegraph*, dealing with the position of the British Indians in the Transvaal, which we reproduce elsewhere. Although the letter is rather an old one, it gives us pleasure to bring it to the notice of our readers, as it shews how others regard the position of the British Indians. The letter shews, moreover, the truth of the saying that "prejudices die hard". We know Mr. Ellerthorpe, the accomplished correspondent of the *Daily Telegraph*, and we are sure that he would not knowingly do an injustice to anybody—much less the British Indians. However, in giving his resume, he has very much been guided by the popular fallacy about British Indians. The Special Correspondent says:

> The Indians, on the other hand, in attacking the Government, very much overstated their case. Put shortly, they charged the British Government with perfidy. In 1885, they said, you protested against the action of the Transvaal Government, you asserted our right as British subjects to full privileges of immigration, residence and trade. Now you turn round and apply the same tyrannical laws yourselves. This would be an unanswerable argument, were it only accurate. But it is not accurate. In the course of the correspondence, both Lord Ripon and Sir Edward Stanhope, as Colonial Secretaries, assented to the modification of Article 14 of the Convention. The Transvaal Government desired to modify it on sanitary grounds, and to this the British Government assented. In the reference to the Chief Justice of the Free State, the British Government expressly conceded the point as to residence in locations, and only asked for the right of trading outside native bazaars, and Mr. Chamberlain, to whom the Indians specially appealed, writing in 1885, says: "To make friendly representations to the South African Republic as to these traders, and possibly, to invite that Government to consider whether, when once its legal position has been made good, it would not be wise to review the situation from a new point of view and

decide whether it would not be better, in the interests of its own burghers, to treat the Indians more generously, and to free itself from even the appearance of countenancing a trade jealousy which, I have some reasons to believe, does not emanate from the governing class in the Republic."

Now, in these statements, there is more than one inaccuracy, and it is a great pity that in the modern rush people are unable to verify as fully as it is necessary their statements before they are reduced to writing and given to the world. With the best intentions not to do injustice, statements made in influential papers like the *Daily Telegraph*, if they are not borne out by facts, are calculated to do irreparable injury in many cases. So far as we are aware, never, in a single instance, have the British Indians (we mean, representative British Indians) overstated their case. In fact, those who have at all studied the question have often admitted the extreme moderation on the part of the British Indians. They can have nothing to gain by exaggeration, and a great deal to lose. That the British Government in the Transvaal is now enforcing the laws of the old Republic, against which they protested vigorously up to the commencement of the war, is a fact which is beyond dispute, and while the quotation from Mr. Chamberlain's despatch is correctly given, it does not represent the full attitude of Her late Majesty's Government on the question. All that the despatch states is that the legal relations were closed by the award given by the Chief Justice of the late Orange Free State, but, later on, Mr. Chamberlain "reserves to himself the right to make friendly representations to the Boer Government, and to ask it to reconsider the decision from a fresh point of view". Nor is this all. In the Blue-book on South African Affairs are published various telegrams dated after Mr. Chamberlain's despatch, protesting against the enforcement of the law, and asking the Boer Government to deal with the Indians leniently. In the submission to the Chief Justice of the late Orange Free State made on behalf of Her late Majesty's Government, the interpretation of Law 3 of 1885 naturally states that: "The British Indians be allowed to reside in some quarters which, for sanitary reasons, may be assigned to them", and nothing has been said on the part of the British Indians in conflict with that statement. What, however, is the fact, and what has been repeatedly submitted on behalf of the British Indians is that, although the Law 3 of 1885, as amended in 1886, so far as the legal position was concerned, was accepted by the British Government, they continued to bring

pressure to bear upon the late Boer Government, with the result that the Law ever remained a dead letter until after British occupation. The point, therefore, made by the British Indians is, not that the Law was not accepted by the British Government, but that, in spite of the acceptance, it was never enforced owing to the protests made by the British Agents from time to time. Whether, therefore, the Law remained on the statute-book or not, it did not matter much to the British Indians so long as the protecting arm of the British Agents gave them immunity from it. Such being the case, the statement that the British Government is now enforcing the very Law against which they protested so effectively is literally true. It should also be borne in mind that a careful reading of the whole of the correspondence between the two Governments on the subject would show conclusively that the Law itself was assented to under a misapprehension. So much with reference to the alleged overstatement of their case by the British Indians.

The suggestions made by the Special Correspondent with reference to the treatment of the problem, unfortunately, also betray a hasty judgement. Contrary to all evidence, he condemns small shopkeepers and hawkers, and sees nothing wrong in the relegation of the Indian population to the Locations, and brings forward in justification of the proposal the oft-refuted charge of insanitation. He has also fallen into the error of thinking that the new regulations (namely, the Bazaar Notice[1]) apply only to future immigrants, forgetting that at present immigration of non-refugee Indians is altogether prohibited, and that with reference to licences, only those who held them before the war will have renewals granted to them.

However, the whole of the article is interesting reading, and the writer evidently is not unsympathetic; and if we have not brought out the fair remarks that he has made at the commencement of his letter, and laid stress on what we consider to be inaccurate statements, we have done so because the fair remarks will speak for themselves, and inaccuracies need always to be corrected, especially when they appear in journals which are read by tens of thousands of people, and whose presentation of questions is often accepted as gospel truth.

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[1] *Vide* pp. 352-3.

330. LORD MILNER'S DESPATCH

We are enabled to print in full, in this issue, Lord Milner's despatch to Mr. Chamberlain. The telegram in the *Rand Daily Mail*, on which we have remarked, has reference to Lord Milner's despatch. It is a document of very great interest and also, to some extent, of hope to the British Indians in South Africa. It shews at once what they have to fear and what they are to expect from the present Government in the Transvaal. That His Excellency is actuated by great sympathy and excellent motives is evidenced throughout the despatch, and where there is good ground for complaint, the cause is not Lord Milner himself, but those who have placed facts before him—perhaps, not even those latter because they, amid the overwork of office, have not been able to place before His Excellency correct facts. Our duty, therefore, is to draw His Excellency's attention to such facts. Lord Milner says:

> . They (the Government) are anxious, however, to do so (that is, enforce the legislation) in a manner most considerate to the Indians already settled in the country and with the greatest respect for vested interests, *even where these have been allowed to spring up contrary to law.*

We have already pointed out that this is not warranted by the Bazaar Notice, for those who were trading prior to hostilities without licences, and, therefore, contrary to law, are under notice to remove to Locations at the end of the year.

His Excellency says further:

> In some cases, no doubt, laws which were either obsolete or wholly bad have been simply repealed where no inconvenience was likely to arise from such a course.

It would be interesting to know what laws these are which have been repealed.

His Excellency goes on:

> Had we had to deal merely with the Asiatic population as it existed before the war, it might have been possible to remain passive until a new law could have been framed to the satisfaction of His Majesty's Government, but with so many newcomers constantly pouring in and applying for licences to trade... it became impossible to persist in the policy of complete inaction.

Here, again, we venture to point out that no newcomers have yet been allowed to enter the Colony with the exception perhaps, in the early stages, of a handful who could be counted on one's fingers. The British Indians have so far merely asked for bare justice in favour of old traders, and have protested against the refusal to grant them licences. The "policy of complete inaction", therefore, could very well have been maintained until further legislation was passed, and the enforcement of the £3 tax, in the light of this statement of Lord Milner's, is evidently not justified, if not uncalled for.

"We have no wish to subject respectable British Indians or civilized Asiatics generally to any disabilities," says His Excellency.

We thank His Excellency for isolating British Indians from other Asiatics, and recognizing their status as British subjects. As we have pointed out in dealing with the telegram in the *Rand Daily Mail*, all British Indians, respectable or otherwise, are at present labouring under the fullest disabilities common to the Asiatics, except that they may be exempted as to residence, and that alone.

Lord Milner proceeds:

> In the first place we shall see whether, when the sites of the proposed Asiatic quarters have been marked out, the opposition of the Asiatics to reside in them will be maintained.

If we know the feeling of our countrymen correctly, we do not think that the opposition will taper down so long as the sting of compulsion keeps it alive and smarting. We are not surprised at His Excellency having made use of Dr. Porter's fanciful description of the Indian Location in Johannesburg. We would, however, refer His Excellency to the reports of Dr. Marais, Dr. Johnston, and several other's[1] who have made statements contrary to Dr. Porter's, and Medical Officer of Health though he is, we think that the opinions of the gentlemen we have referred to are entitled to greater weight because of their greater and more mature experience.

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[1] *Vide* "Evidence Against Lord Milner's Charge of Insanitation", pp. 487-92.

331. MORE LIGHT ON THE INDIAN QUESTION

The *Rand Daily Mail* correspondent has sent a long telegram with reference to a Parliamentary Paper issued by the Colonial Office on the position of the Indian question in the Transvaal. We have ventured to copy it in another part of this issue. We are aware that it is very difficult to comment upon State documents when we have before us only a very imperfect summary, but as it may be some time before the Paper itself arrives in South Africa, and as the question dealt with by it is of very great importance, on the presumption that the telegram is a fair summary of the document in question, we propose to offer a few remarks thereon. According to it, in "three most important respects" a consideration is said to have been shown to Asiatics by the Bazaar Notice, which the late Government did not show, namely, "that the Locations are being selected in healthy localities and affording reasonable opportunities for trade", "that the Asiatics, who had established themselves in business before the war, are not to be disturbed"; and "that exemption will be granted to those of a superior class from all special legislation".

With reference to the first, we do not propose to deal at present, as we do not know the sites for the various Locations.

With reference to the second and the third statements, they are utterly misleading. According to the Bazaar Notice and to the decisions given thereon, we know positively that licences are being granted only to those who held them on the outbreak of hostilities, and not to those who had established business before war if they did not also possess licences. This makes a very great difference. Hundreds of British Indians traded on the strength of tenders made for licences which were never granted to them, and this with the full knowledge of the Boer Government. These will now, under the Bazaar Notice, be prevented from exercising trading rights. As to the exemption, the Bazaar Notice merely contemplates it regarding residence and residence alone. It does not free Asiatics of a superior class from all special legislation. It comes, therefore, to this: that, after all, the Bazaar Notice concedes to the Indians nothing they were not in possession of before the war, for they were never compelled to reside in Locations. Not a single Indian had any difficulty in trading, and, as there

was no compulsion as to residence, there was naturally no question of exemption.

Lord Milner anticipates no difficulty with reference to the new legislation which is to be on lines similar to those followed by the Cape Colony and Natal. Here there is complete agreement between the Government and the Indians. Not that the Indians consider it desirable or necessary that such restrictive legislation should be passed, but they have been reluctantly compelled to accept the inevitable, and to work in co-operation with the Government so long as special and offensive restrictions are not imposed on them on the ground of racial distinction. We join His Excellency in the hope that the more difficult question of restriction to Bazaars will be satisfactorily settled, and we know of only one solution: Take off the hateful compulsion. Lay aside decent accessible sites. Invite Indians to co-operate with you, and you will find that a large number would, of their own accord, gravitate to these sites. Anyhow, it is an experiment worth trying. No legislation would be required for the purpose and the question will solve itself.

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332. *A CRUEL WRONG*

We reproduce elsewhere the letter addressed by Mr. Hajee Habib, of Pretoria, to the Transvaal Government, with reference to the Pretoria Mosque. Our readers may remember that the property on which the elegant mosque at Pretoria is situated was bought by the Mahomedan congregation about fifteen years ago. It is a very valuable piece of property now. The British Indians, as soon as the property was purchased, approached the then Government for special authority to have it transferred in the names of the trustees of the mosque, but the Republican Government returned a disappointing reply. They thereupon approached the British Government, but without success. Before the outbreak of the war, the only hope Sir Conyngham Green could hold out was that, if war did break out, there would be no difficulty in the transfer being granted to the trustees under the British Government. And yet, strange to say, up to the present moment the Government has declined to authorize the transfer. It is true that the Colonial Secretary offers to receive it in his own name on behalf of the congregation; but the property being dedicated to religious use, according to the tenets of their religion, the latter cannot

accept the offer. Such, we believe is, the position. The proposal made by Mr. Hajee Habib, that the portion on which the mosque is situated should be declared by the Government to be a ward or street in which Indians may hold land, is very reasonable, and would certainly meet the case, but we understand the Government has declined to grant the request. The position is undoubtedly serious, and the Mahomedan community, which has a right to have its religious feelings respected equally with the others, may one of these days find the property slipping out of its hands, and have to remain without a place of worship. It is a pretty outlook for people living under the British flag, which takes under its protecting fold all the religions. We may, therefore, well ask, what are the Indians coming to in the Transvaal? Is the British Constitution going to be revised at Pretoria? Or will justice ultimately triumph?

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333. *THE PRECIOUS EXEMPTION*

We print elsewhere the form that is to be filled in before exemption is granted to Asiatics under Clause 4 of Government Notice No. 356 of this year, known as the Bazaar Notice. There are twenty questions to be answered, some of which are harmless, some humorous, and some are offensive in the highest degree. Before the precious exemption is granted, the applicant has to say: how many persons he employs? Whether they are Asiatics? What is the condition of the latrines? Do any persons sleep in his shop, if any? How many persons sleep in the dwelling rooms? Are the day rooms distinct from the night rooms? Do the inmates sleep on the floor? Do the inmates use soap, etc.,? We wonder whether ordinary cleanliness, separation of day rooms and night rooms, prohibition to sleep in shops, sanitary condition of latrines and such other matters are to be dispensed with when the Asiatics are forced into Locations? If the enquiry of the above nature is only necessary when an exemption is to be granted, it follows that the Government suppose either that the inmates of the Location will live in an ideal state, rendering supervision unnecessary, or that they will be allowed to wallow in dirt and filth if they choose to do so. One simple question suggests itself to us, namely, whether the Government have ever considered the Law 3 of 1885, and whether they know that Asiatics, if they are servants, are free

to reside in towns without any exemption whatsoever, and without having to satisfy any officer as to whether they use any soap and whether there is any provision for washing and bathing or not? We quote the Section from the Law itself. It says: "Government shall have the right to appoint special streets, wards and Locations as their residence. *This provision shall not apply to servants living with their masters*." It, therefore, comes to this, that Asiatic servants need not undergo the indignity of having to answer the questions, but those whom Government consider to be respectable have to pass the examination and satisfy the Government officers before they can receive the certificate. And this is the exemption which His Excellency Lord Milner has laid so much stress upon in his despatch to Mr. Chamberlain. We know that Lord Milner has construed the exemption clause in a much wider sense not warranted by the Notice itself. Is it, then, any wonder if our countrymen in the Transvaal persist in saying that the Transvaal legislation regarding Asiatics has never before been enforced so rigorously as now? We only hope that no self-respecting British Indian would so far forget himself as to fill in the form for the sake of the privilege of living within town limits.

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334. LORD SALISBURY

By the death of Lord Salisbury[1], the British Empire has lost a statesman who was loved and respected in the Empire and feared outside it. The late Lord Salisbury's life is an object lesson to every member of the Empire—in uprightness, industry, and all that is worth cultivating in this life. His, moreover, is an example to be treasured up by the rich men in any land. To history, however, he will be best remembered as one of the greatest Foreign Secretaries of the Victorian era. And it was his masterly grasp of the situation and full realization of the greatness of the Empire which cut out for him a unique position among the continental nations. Lord Salisbury was no opportunist, and to him, politics were not a matter of gain. He, therefore, cared little for popular applause, and spoke out against wrong, whether it came from his own party or the Opposition. As Lord Cranborne, when he was Secretary of State for India, he did not

hesitate to call a spade a spade, and this was the view he gave about the poverty of India:

> The injury is exaggerated in the case of India where so much of the revenue is exported without a direct equivalent. As India must be bled, the lancet should be directed to the parts where the blood is congested, or, at least, sufficient, not to those already feeble for the want of it.

The statement has become historical, and has been quoted from many a platform. As to policy, he said:

> To keep peace, and to push on the public works—that is in brief the policy that we have to follow. If we can increase the immense means she (India) possesses for the production of commodities—if we can draw forth the enormous elements of prosperity that lie in the richness of her soil and the teeming millions of her population—if we can impress upon the neighbouring powers (whether they lie outside her borders or are included in her own dominions)—if we can impress upon them that her rulers have renounced for ever the policy of annexation and territorial aggrandizement, which formerly spread distrust and caused disturbance all round; if we do these things, and if we can spread to all the populations there under our charge the blessings of English civilization and English government; if we can give them the culture which will enable them to appreciate those blessings and to take part in spreading them and in making them effectual—if these things can be done, then this present method of repose and of apparent stagnation will be put to the best use it possibly can be put to.... We can only be assured that if we make the best use of our present opportunities—if we push to the utmost of our power the moral and material improvement of that vast territory and of the teeming nations that people it, we shall have placed our Empire upon foundations that cannot be shaken.

Again, as showing the frankness of his disposition, the following extract from his speech, taken from the great work[1] of Mr. Dadabhai Naoroji, is very apt:

> The general concurrence of opinion of those who know India best is that a number of well-governed small Native States are in the highest degree advantageous to the development of the political and moral condition of the people of India.... The British Government has never been guilty of the violence and illegality of Native Sovereigns. But it has faults of its own, which, though they are far more guiltless in intention, are more terrible in effect. Its tendency to routine, its listless, heavy heedlessness, sometimes the results of its elaborate organization, a fear of

[1] *Poverty and Un-British Rule in India*

> responsibility, an extreme centralization; all these results, traceable to causes for which no man is culpable, produce an amount of inefficiency which, when reinforced by natural causes and circumstances, created a terrible amount of misery.

The same frankness guided the noble man during the critical period of the late Boer War. When disaster followed disaster during the initial stage of the bloody conflict, he, of all the statesmen in Great Britain, was ready and willing to admit that the disasters were undoubtedly due to mistakes, drawing, at the same time, historical parallels and showing that in the initial stages of almost every great war the British had been engaged in, they had committed serious blunders.

On July 20, 1900, he even stated that:

> It was very desirable that the treatment of India should be generous and liberal, because, as one reason, the mass of the people of that country were much more struggling and suffering than the mass of the people here.

Lord Salisbury, again, it was who, at the risk of losing popularity, did not hesitate, on the very platform of the Propagation of the Gospel Society at the time of the Chinese expedition, to utter some disagreeable though wholesome truths. Before his distinguished audience, with reference to the missionary work in China, His Lordship, true Christian gentleman that he was, reminded the missionaries that, as they had fallen from the advice of Christ, and instead of meekly suffering hardships, and even death if necessary, in pursuit of their calling, asked for the assistance of temporal power in carrying on their work, it was their duty to temper their zeal with prudence, so as not to compromise or place in a false position countries they represented.

For the information of our readers, we give elsewhere an extract from His Lordship's address at the above-mentioned meeting, which shows the height and the depth and the breadth of his nobility and purity of motives.

Such was the great and good patriot the British Empire has lost, and whose loss it mourns.

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335. AN UNRIGHTEOUS COMPACT

We print elsewhere Mr. Chamberlain's speech in the House of Commons dealing with the question of Indian labour. There occurs in that speech the following most ominous passage:

> Now, in order that the development may proceed at the greatest possible rate, Lord Milner applied to me and said: "We are thinking of employing coolies on the railway. Will you represent to the Indian Government our desire in that respect and use your influence to induce their assent?" It was assent to a proposal which the Indian Government had already accepted in the case of Natal—namely, that the coolies should come for a given period, and their indentures should expire in India, that the balance of their pay should be given to them in India, so that they would not be permanent residents in the South African sub-continent, but would return to their native country with their savings in their pockets. It was believed by the Indian Government to be the best way to secure labour for the sugar estates and other work without inducing a permanent population of Asiatics. That agreement had been made and assented to by both sides.

We can only hope that either Mr. Chamberlain has been misreported, or that he was himself labouring under a misapprehension when he made the statement above quoted. We all know that a deputation on behalf of the Natal Government went to India, and that it has returned, but we have not been made aware of the result of their mission. No statement has been made by the Government here to the effect that the principle of compulsory repatriation, such as has been referred to by Mr. Chamberlain, has been accepted by the Indian Government; and yet, the statement we have quoted is as clear as it possibly could be, that after the completion of their indentures, the indentured men must return to India, and to ensure their return, a most effective method has been adopted—namely, that the balance of their pay is to be given to them in India. And it is under such terms that "the development" of the Transvaal is to proceed "at the greatest possible rate", if only the Indian Government would grant to the Transvaal what it is said to have granted to Natal! All we can say, with due respect to Mr. Chamberlain, is that, if the statement is correct, the poor Indian labourer has been sold for the benefit of the Colony, and that a form of modified slavery is to be revived in South Africa

in this twentieth century under the sanction of the British Government and in the name of a people who have spent any amount of blood and treasure for the sake of the emancipation of slaves. The partnership into which the employers of Indian labour and the employees are to enter in the Transvaal would be what is known as a leonine partnership, in which one party gets all the benefit and the other party bears all the burdens. The position that the gentlemen of the White Leagues in the Transvaal have taken up does, indeed, in the light of these facts, command admiration. It is capable of being understood, and is certainly in harmony with justice to a greater extent than the proposal made by Lord Milner; for, a refusal on the part of the White Leaguers to admit into South Africa the Eastern races cannot by any means be placed on a par with the proposed exploitation of Indian labour without giving the Indians a right of settlement. In the one case, the refusal is unjust merely from an Imperial standpoint; and if South Africa were not British, no one can cavil at the position taken up by the Europeans in South Africa as to the exclusion of any but themselves from a participation in the advantages that are offered in this sub-continent to settlers. But the proposal as to importation of labour under the restrictions mentioned is unjust without regard to the Imperial standpoint. It is unjust, that is to say, under any circumstances; while the one is merely an outrage on the Imperial instinct, the other is an outrage on the instinct of humanity, and in the words of the late Right Honourable Harry Escombe, we cannot "think that it ought to be compulsory on any man to go to any part of the world, save for a crime for which he is transported", and we do not know that the Indian has committed any crime, unless the inheritance from his ancestors by him of the colour of his skin is a crime in British South Africa.

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336. *TRANSVAAL LICENCES*

There is one point in Lord Milner's despatch published in the last number of the *Indian Opinion* which requires special attention. His Excellency says:

> During the war, and since the declaration of peace, a large number of temporary licences were issued to newcomers. These licences have been renewed until December 31st 1903, but the holders have been

warned that on that date they will be required to remove to streets or bazaars selected for this purpose.

Now it has been pointed out before, that none of the licences were issued as "temporary licences", nor were they issued to "new-comers". Neither during the war nor since the declaration of peace have any newcomers been able to either enter the Transvaal, or, at any rate, to secure licences to trade. It is capable of being proved without the slightest difficulty that those who were granted licences were all *bona-fide* refugees and, before war, engaged in trade in some place or other in the Transvaal. The British officers, who granted them licences, attached absolutely no conditions either verbally or written, and they were all granted in the usual manner—that is, up to the end of last year. It was only when agitation against the British Indians was raised about the time of Mr. Chamberlain's arrival that the Magistrates began to give notices that such licences would not be renewed, and the very fact that the Government has overridden all such notices and granted renewals up to the 31st of December next shews that the Indians in question were not in possession of temporary licences. Be that, however, as it may the question is a most serious one for the parties immediately affected. In many cases, we understand, the licence-holders, believing in the perfect security of their rights under the British Government, have built at considerable expense substantial stores, imported very largely from home manufactures, and formed good connections. To expect them to remove to Locations or Bazaars at the end of the year would practically spell ruin for them; even if it were a question of removing an established business from one place to another in the same street, a mere novice in mercantile affairs would be able to say that the removal would involve a great deal of loss. Whether, therefore, the Bazaars become an established institution or not, and whether new applicants are granted licences or not, and irrespective of the fact of new legislation removing the existing one described by Lord Milner as un-British, the assurance to these poor merchants that their licences are perfectly safe is very desirable and absolutely necessary. Two things stand out most prominently in connection with the Bazaar Notice. One is about these so-called temporary licences, and the other about the distinction between British Indians who held licences prior to war and those who traded prior to war without any licences. The existing Indian licences are divisible into three parts, namely, (first) those Indians, who although *bona-fide* refugees and traders before war, have been granted licences in respect of districts in which they did not trade before war which are now described as

temporary licences; (second) those refugees who traded before war without licences, but with the knowledge of the old Government, in the same district in which they are now trading, and (third) those British Indians who held licences prior to war and are trading now. It is only with reference to the third class that the Bazaar Notice guarantees security in unequivocal terms. The other two classes are at present labouring under very great uncertainty. The result of deprivation of their licences in respect of their present positions will be the same, no matter to what class they may belong, because all are now in possession of licences. Moreover, while, so far as these are concerned, the matter is of very small importance to the Government, it is one of life and death to the traders themselves. These facts were brought to the notice of Mr. Chamberlain at Pretoria and he pooh-poohed the idea that under the British Government the licences referred to could ever be disturbed. We, therefore, on the ground of justice, or on the strength of promise made by the Secretary of State for the Colonies, think that these men who may be counted on one's fingers have a right to expect an assurance of perfect safety, and we have every hope that the Government will be pleased to give the necessary relief in the matter.

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337. INDIAN LABOUR AND MAURITIUS

The island of Mauritius has always been cited in South Africa to the disadvantage of the Indian. The superficial critics have not hesitated to declare that the Indians have ruined it, forgetting that it owes its present position to Indian enterprise, and that, but for Indian labour, it would very probably have been a howling wilderness. They are unable to point to a time when, without the Indian, the island was in a better condition. The following is the uncourted testimony to the worth of the patient Indian toiler in that island:

> South Africans may note, says *The Times of India*, the remarks of Lord Stanmore at the meeting of the Credit Foncier of Mauritius. Last year, Mauritius had the misfortune of passing through the very worst crisis ever remembered there. The cattle plague finally deprived most estates of the bulk, if not the whole, of their draught animals and that at a time when they were most wanted for the crop which was then being gathered in. But Lord Stanmore says this catastrophe strikingly

showed how admirable a labour force Mauritius possesses in its Indian coolies. They cheerfully and readily undertook work ordinarily done only by oxen and mules, and without stipulating for advantages which, had they demanded them, it would have been impossible to refuse.

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338. NATAL'S PRIDE

The Colony has honoured itself in honouring the memory of the late Right Honourable Harry Escombe. The unveiling of the statue of the deceased statesman in the Town Gardens on Saturday last, by his friend and co-worker, Sir John Robinson, does no more than justice to the memory of the great man. Although there were often occasions for the British Indians to complain of his attitude, it can never be said of him that he did anything in the justice of which he did not fully believe. For the man who could risk his position, his great popularity, for the sake of what he believed to be the truth (we refer to the attitude, up to the day of his death, on the Bar problem) in the teeth of practically united opposition of the whole Colony, was not the man who would do anything against his firm convictions.[1] In later years, on the Indian question, the Right Honourable Gentleman considerably modified his views, and, if we quote an instance which is not recorded in the newspapers, we do so in order to do justice to the fairness and the magnanimity of the great man. Three hours before he died, he expressed his regret that, when he passed his anti-Asiatic measures, he did not know the Indian community as he knew then, and hoped that time would remove any inconvenience that the Indians may have to suffer owing to the legislation. Among his kindnesses to the Indian community, the generous manner in which he gave his blessing and a treat to the Leaders of the Natal Indian Volunteer Ambulance Corps[2] will always occupy a first place, and for which the community cannot be too grateful. He addressed the Leaders in the following terms which were his last public utterance:

> Mr. Escombe said he thanked them for paying him the marked personal compliment of asking him to address a few words of farewell

[1] Harry Escombe, Attorney-General, had supported Gandhiji's enrolment as an advocate of the Natal Supreme Court in 1894, in spite of the opposition by the Law Society on grounds of colour.

[2] *Vide* "Speech at Indian Ambulance Corps", pp. 153-4.

before they left for the front. They would carry with them not only the good wishes of those present, but of all the people in Natal, and in the Queen's great Empire. This incident was not the least interesting of the many episodes of this remarkable war. The meeting showed the willingness and the resolve of the Indian subjects in Natal to do what they could to promote the unity and the solidarity of the Empire, and they, claiming rights in Natal, recognized in what they were now doing their obligations to the country. And they were going to occupy as honourable a position as those who were doing the fighting, because if there were none to look after the wounded, war would be much more horrible than it now was. War was sad enough, but there were things worse than war. It had to take place when a country was invaded, but war would be much more horrible were it not for all that was done to minimize those horrors, and it was a movement in which they could take an honourable part. War was uncertain, except where the British Empire was concerned—a war in which that Empire took part could have but one end. There might be incidents, but the conclusion could be but one, and the conclusion would bring about a better state of things in South Africa—under one flag. At a time not far, some of them had hoped to unify South Africa—without disturbing the autonomy of the States—in one federation under the flag of Britain, but when Natal was once invaded, these hopes had to yield to different conclusions altogether, and now things had happened which made it impossible for them to do otherwise than bring the whole of South Africa into the Empire. And it could not be forgotten that the Indians in Natal —who had been treated with more or less injustice—had sunk their grievances, and claimed to be part of the Empire and to share its responsibilities. They took with them the hearty good wishes of those who knew what was taking place that day, and the knowledge of what they were doing would help to bring closer together the different classes of Her Majesty's subjects throughout the whole Empire.

Indian Opinion, 3-9-1903

339. *BOKSBURG LOCATION*

As will appear from the proceedings of the Boksburg Health Board, the gentlemen there are still active with reference to the removal of the present Indian Location. Evidently, Captain Colley, the Chairman, who has only lately returned from Europe, is not in sympathy with the drastic proposals of the Board, but it is a question how far he will be able to do justice single-handed. The main

chance, therefore, of retaining the present Location is still dependent upon the action of the Government. Justice is absolutely on the side of the inmates of the Location, and we can only hope that the Government, after having taken up a consistent attitude, will not abandon it owing to the pressure of the members of the Health Board. May we not, however, appeal to the sense of fair play of the members of the Board? We have suggested a British solution to them. They allege that nearness of the Location to the town is a source of danger to the health of the community. Assuming that the fear is justifiable, the remedy lies in their own hands, but it does not consist in removing the Location. As Dr. Johnston would say, 'the removal could merely aggravate the danger.' The remedy, therefore, consists in putting the Location in thorough sanitary condition, and preserving it in that condition, if it is not so at present. If the inhabitants of the Location are themselves the culprits, the law could be relentlessly enforced, and a few prosecutions would do a far greater amount of good than prejudiced agitation for removal of the site, and then leaving the residents of the Location without sufficient sanitary control.

Indian Opinion, 3-9-1903

340. *LETTER TO DADABHAI NAOROJI*

P.O. Box 6528,
JOHANNESBURG,
September 7, 1903

DEAR SIR,

In the *Indian Opinion* being posted today, you will notice an extract from Mr. Chamberlain's speech[1].

You may recollect that a Commission went to India on behalf of the Natal Government last year with a view to induce Lord Curzon to agree to the compulsory repatriation of indentured Indians after the termination of their indentures. The Commission has returned, but no statement has been yet made by the Natal Government. Mr. Chamberlain's speech, however, would go to show that the Indian Government accepted the principle of compulsion in a most objectionable manner—that is to

[1] On the Transvaal labour question made in the House of Commons, published in *Indian Opinion*, 3-9-1903

say—a portion of the wages of the indentured men is to be paid them on their return to India. This will be nothing less than temporary slavery, and we, in South Africa, feel it so strongly that such a stipulation should not be agreed to even in exchange for a grant of more rights to free Indian settlers in Natal. The fight regarding the licences and other matters affecting free Indians ought to be carried on independently of the question of indentured labour, except that, if the free Indians are not guaranteed fair treatment, indentured immigration may be withdrawn entirely. But to give away the liberties of indentured Indians who may be brought to Natal, for the sake of a better treatment of free Indians, would be highly immoral, and would never be acceptable to the latter. It is to be hoped, therefore, that a continued protest will be made against the principle of compulsory repatriation. From Mr. Chamberlain's statement, it would appear that the thing is already done. The Natal Government, however, is quite reticent and, therefore, there is just a hope that, after all, Mr. Chamberlain has made a mistake in making the announcement he has done.

The struggle about licences (Dealers') in Natal has been revived as a direct result of Lord Milner's Notice. Natal has naturally grown bolder, and, in view of the coming new year, the situation has become very acute.

In Newcastle, as you will notice from the *Opinion*, a licence in respect of ideally good premises has been refused to a British Indian. Four licences in Durban have been refused simply because it was a matter of change of premises, not that they were new licences. Mr. Nazar would probably be writing to you from Durban, but as I know the history of the Dealers' Licenses Act from the very commencement, I thought I might deal with it also.

In the Transvaal, the position is just as it is described in the long cablegram that was sent some time ago. It is high time that a definite pronouncement was made regarding the existing Indian licences here, and that the congestion regarding permits to *bona-fide* refugees was removed.

Your obedient servant,
M. K. GANDHI

THE HONOURABLE DADABHAI NAOROJI
WASHINGTON HOUSE, 72 ANERLEY PARK
LONDON S.E.

India Office : Judicial and Public Records, 2852, and *India*, 2-10-1903

341. LETTER TO MOHANLAL KHANDERIA

JOHANNESBURG,
September 8, 1903

DEAR SHRI MOHANLAL,

I have your letter. If you are thinking of staying on for a long time, I see nothing wrong in your sending for the family. In that case, however, you should decide to live in proper style.

I have written to Chi. Harilal and others to have patience for three years.[1] If they agree to stay back, then alone can I get away within that time. All the same, having given a promise I have told them that, if they cannot wait for so long, they should leave Bombay in October. If, therefore, they decide to come, they are likely to arrive in November. I have not heard again in reply.

I got the affidavits. The matter is likely to take some time. They will issue [the licence] when their men are there.

With regards from
MOHANDAS GANDHI

From a photostat of the Gujarati original in Gandhiji's hand: G.N. 6204

342. THE DEALERS' LICENSES ACT REDIVIVUS-I

It is a curious coincidence that the Durban Town Council is showing its former vigour in suppressing Indian licences at the same time as the Newcastle Town Council. It has, sitting as a Court of Appeal, confirmed the decision of the Licensing Officer who thought fit to refuse a renewal of four Indian licences in respect of new premises, as to which we might say, in passing, there was no complaint from a sanitary standpoint. Mr. Robinson, who acted as counsel for the four appellants, hinted that the Licensing Officer had received instructions previously from the Town Council to refuse renewals of Indian licences for new premises and, in spite of the denial of the Town Council, we venture to think that there was some truth in Mr. Robinson's statement. Diplomatic denials are not unknown in South Africa, and the Town Council's repudiation, to our mind, smacks more of diplomacy than anything else. However, it is not with that phase, painful though it is to us, that we are concerned,

[1] *Vide* "Letter to H. V. Vora", pp. 424-6.

but it is with the grim struggle that is being again forced on the Indian community in its terrible earnestness which touches most deeply the life of its mercantile portion.

Mr. Chamberlain, when he was at a distance of thousands of miles, and had not seen South Africa, was able to secure relief for the British Indians in the Colony. We refer to the circular that was sent round to the different municipalities by the Government at his suggestion, to the effect that although they had been given arbitrary powers, they were expected, on pain of being deprived thereof, to use them in a reasonable and gentle manner, and that, in no case, if they wished to retain those powers, were they to touch vested interests.

We had thought that the circular had done its work, although when it was issued, the Congress had done well to remind Mr. Chamberlain that the remedy provided by him was a stop-gap thing, and that it by no means insured protection to the British Indian merchants for all time. The fear has been more than realized, and we now witness a revival of the root-and-branch policy that had been adopted by the Town Councils throughout the Colony, when they found themselves in possession of the extraordinary authority given them by the Act in question; and, if we were to seek for the reason for the renewed activity of the Town Councils, it is to be found in Mr. Chamberlain, when he paid his memorable visit to South Africa, and also Lord Milner. Probably, the Colonists had never expected that they would find him so yielding as he was found to be as to matters of fundamental principles of the British Constitution. Since his return to England, also, he has been himself unwilling to protest against the Colonial policy in South Africa, even when it has been a clear departure from British traditions. Lord Milner has strengthened the impression thus gained by the Colonists as to their powers by his Bazaar Notice, and they have really come to the conclusion that, if the principle of Locations and restrictions of licences to British Indian subjects can be sanctioned and approved of in a Crown Colony, much more so in a self-governing Colony like Natal.

The result is the enforcement of the Dealers' Licenses Act in fullest vigour, and this is probably only the beginning of another struggle for existence on the part of the British Indian in Natal; and if we are justified in our forecast, then we may truly say that British Indians, who expected bread out of Mr. Chamberlain's visit to South Africa, have got stones instead.

Indian Opinion, 10-9-1903

343. FROM SLAVE TO COLLEGE PRESIDENT

Mrs. Besant has said somewhere that England owes her present position not to her warriors, but to her one great national act, namely, the emancipation of slaves. This truth is very strikingly realized in the life-story of Booker Washington. Mr. Rolland has contributed a very interesting article to the latest number of *East and West* on Booker T. Washington, which is worth bringing to the attention of our readers.

Booker, as he was known when yet a slave, was born about the year 1858, the exact date being unknown to him. "His lot," says Mr. Rolland, "was the average one. He did not fall under the tyranny of one of those brutes so forcibly depicted in Mrs. Beecher Stowe's novel. . . . Yet even those masters who were kind to their slaves, treated them like inferior beings—a kind of useful cattle which had to be well fed if they were to work well, and which had no need of comforts they would be unable to appreciate." When freedom for the slaves was proclaimed, Mr. Booker's family left the plantations and went to town. He had a very great desire, illiterate though he was, to learn and educate himself. He, therfore, set about learning the rudiments of the English language, and attended a night-school. In his uphill work towards mental progress, he was helped by many white patrons of his, chief among whom was General Armstrong who had served in the Civil War. "He was," proceeds Mr. Rolland, "a sort of apostle who devoted his life to the coloured races, whose needs he thoroughly understood, and who founded in 1868 in Virginia the Hampton Normal and Agricultural Institute to train young men and women of the negro and (Red) Indian races to become teachers among their own people." Our hero longed to receive his education at the Institute; he, therefore, accepted service in a military officer's house, and after he had saved some money started for Hampton. The distance he had to cover was nearly five hundred miles. "The difficulties of the road were still further increased by his being a coloured man who could not be received at the same hotel as white people: More than once, he had to sleep out of doors, and to work all day in order to get enough to eat, but he never hesitated. At last, he reached Hampton.

His appearance was so wretched and disreputable that the gates would have been closed against him if the matron of the establishment had not thought he might be useful as a servant. Thus, he got permission to stay. He was able to pay for his board and teaching by fulfilling the duties of door-keeper, room-cleaner and man-of-all-work, which manifold occupations did not prevent him from assiduous attention at the classes." It was not likely that such marvellous industry would escape the sympathetic notice of General Armstrong, who bestowed special attention on him, with the result that Mr. Booker came out of the Institute as one of the most brilliant students. Having imbibed knowledge himself which enabled him to take a broader view of life and to fight poverty and all difficulties, he thought that he could not better devote his life than being instrumental in imparting a similar knowledge to his fellow-countrymen. With such a laudable aim, he opened a small school, first at Malden, then at Washington, until he was called back to Hampton to occupy the post of teacher to the Indians of the Institute. Being himself a negro, he had some difficulty with the American Indians, but by his gentleness and prudence he soon succeeded in disarming all opposition to himself. This humble beginning laid the foundation of what is now an ideal college at Tuskegee. He realized that "the one thing needed by negroes, for the time being, was to learn how to work to advantage in the trades and handicrafts; how to be better farmers; how to be more thrifty in their lives; how to resist the money-lenders' inducements to mortgage their crops before they were made" With this resolution, he set out for Tuskegee, and began his teaching in 1881 in a shanty. He had, however, like many pioneers, not only to found a school but to attract pupils to it. His idea about combining industrial education with a knowledge of letters merely, as might be well imagined, was not taken up enthusiastically. He, therefore, travelled from place to place, lecturing to the people on the advantage of his system. In his struggle for reform, he found Miss Olivia Davidson to be a worthy helper, whom he afterwards married. The result was that the support he received as to the number of the pupils soon outgrew the capacity of his humble school building. But Booker, who by this time had added Washington to his name, was equal to the occasion. He borrowed money and purchased a plantation of a hundred acres. Here was an opportunity for him of putting into practice his theory of industrial training. His students were, therefore, set to work, and a suitable structure was built. The

clay was dug by them, and the bricks, too, were burnt by them. The Tuskegee College has now forty buildings and a beautiful library, a gift from Mr. Andrew Carnegie, on an estate of 2,000 acres, besides fifteen cottages belonging to it. It represents a value of £ 100,000, the annual cost is £ 16,000, the number of people about 1,100; the cost of each student is £ 10 per year, board being paid partly in money, partly in labour—£ 40 suffices to complete a four years' course, while £ 200 provides a permanent scholarship. A great number of donations from great philanthropists and voluntary contributions from all kinds of people have every year added to the funds of the College, and a grant of 25,000 acres of land in Alabama was given by the Government of the United States in 1898. The students come from twenty different States and territories. There are eighty-six instructors in the college and twenty-six different industries taught, every student, man or woman, having to learn a trade in addition to his or her studies in the class-room. The men learn printing, carpentering, bricklaying (in which they have become so competent that they turn out a hundred thousand bricks of superior quality a month), and various agricultural processes. The women learn plain sewing, dress-making, cooking, ironing, and all about dairy work and poultry, horticulture, which is now a special feature at Tuskegee, five thousand pear trees being grown on the farm. They have a market garden which they have planned and made themselves. They have constructed a cold farm house, doing the carpentry work themselves. They keep an account of the expenses incurred in raising and amounts realized from the sale of all vegetables. A nurse-training department has lately been established, and there is now a Kindergarten in the College. A savings bank has been founded on the grounds, and a school Post Office recognized by the State and responsible to the Government. A newspaper is also issued every month.

Such is the work done by Mr. Booker T. Washington, single-handed, in the face of enormous odds, without a glorious past to look back upon as an incentive which more ancient nations can boast of. His influence at present is so great and universal that he is liked by all, both black and white. We read some time ago in the newspapers that the President of the United States invited him to the White House—"an unprecedented event—a revolution in the States where, a short time ago, no white man would have touched the hand of a negro without thinking himself defiled by this contact" Harvard

University has honoured him with the degree of Master of Arts. In travelling through Europe, he has drawn crowds of appreciative audiences. A life such as this teaches a lesson to all of us. If it is one full of honours, the honours have been well earned, after patient toil and suffering. Mr. Washington might have chosen another career in which he might have shone perhaps better in the estimation of some, but he chose first of all to raise his people, to qualify them for the great task lying before them. With himself he has raised his own countrymen also immeasurably, and set to them, as indeed to all of us who care to study his life, an example worthy to be followed. One word to our own countrymen, and we have done. We have in our midst in India men who have devoted their lives to the service of their country, but we make bold to say that the life of our hero would perhaps rank higher than that of any British Indian, for the simple reason that we have a very great past and an ancient civilization. What, therefore, may be and is undoubtedly natural in us, is a very great merit in Booker Washington. Be that, however, as it may, a contemplation of lives like this cannot fail to do good.

Indian Opinion, 10-9-1903

344. INDENTURED LABOUR

In reply to the question put by the Honourable Mr. Jameson in the Legislative Council, the Prime Minister has informed him that the papers relating to the question of the compulsory repatriation of indentured Indians, being confidential, cannot be published, and that correspondence is still going on between the two Governments. This statement goes to show that the Indian Government have not yet consented to the compulsion clause. If so, Mr. Chamberlain's remarks[1], which we printed in last week's issue, are premature, and based on insufficient information. At the same time, there can be no doubt that the Indian Government have at least lent a willing ear to the proposal of the Natal delegates. We can only hope that the public opinion in India, and also in England, would make it impossible to sanction the insertion in the indentures of a clause which is admittedly

[1] *Vide* "An Unrighteous Compact", pp. 519-20.

unjust and unfair. Better by far, said the late Mr. Saunders[1], to stop further immigration than to take what you can out of the poor men, and then to send them away.

Indian Opinion, 10-9-1903

345. ORANGE RIVER COLONY

Mr. Francis Lazarus, described as "an Indian born in Durban, aged 27 years", has applied to the Resident Magistrate at Bloemfontein for permission to reside in the sacred Colony of the Orange River, and to be engaged as a photographer's assistant. The public of Bloemfontein are notified that they may file their objections to the application within 30 days of the notice. At the expiry thereof, the Magistrate will have to send the application to the State President, now the Lieutenant-Governor, who may either decide to grant the applicant the "privilege" of residence, or appoint a commission of inquiry—for such is the value set upon the privilege by the State—as to the question of granting the application. And then, if the decision is in favour of the applicant, he may be a proud resident of the Colony which is miscalled British. We may note that the nett result of the formalities is merely the right to reside in the Colony, without the right to own fixed property, to trade or to farm. The residence, of course, is to be confined to Locations, unless the applicant is a domestic servant, and as such, resides with his master. When the war broke out, we were among those who assured the sceptical Indians that the bonds of the British Indians in the two Republics would fall with the close of the war, and we were able to silence any misgivings by pointing to the fact that, as the Indian disabilities were one of the causes of the war, a successful end of the latter was bound to bring about the end of the former also. For the time being, however, the sceptics have triumphed, and anti-Asiatic legislation in both the Colonies is doing its deadly work among our countrymen. When will Mr. Chamberlain wake up?

Indian Opinion, 10-9-1903

[1] For his report to the Immigration Commission, *vide* Vol. I, p. 238.

346. PERSEVERING POTCHEFSTROOM

The Chamber of Commerce at Potchefstroom seems to be very jealous of the British Indian traders in that Township. Not being satisfied with the decision of the Magistrate with reference to the recent prosecution against some hawkers in connection with their residence, they have now decided to collect evidence so that they may find out whether or not there was a Location set apart by the old Government, and they have, therefore, resolved to apply for permission to examine the old records. The Chamber of Commerce at Potchefstroom, if the report we publish elsewhere from the *Rand Daily Mail* is correct, would go "one better" than the gentlemen at Boksburg. The attitude of the Chamber betrays want of confidence in the decision of the Magistrate, and they, therefore, propose to sit in judgment upon that decision. They have also promoted a petition, signed, so we are told, by ninety-six traders, which requests the Chamber's influence in preventing the further issue of licences to British Indians, and particularly to "one Patel, opening on the Burgher Right Erven". We venture to remind the petitioners, as well as the Chamber, of the fact that the issue of all the British Indian licences is now regulated by the Bazaar Notice, and that it would be hardly constitutional for the Chamber to go outside that Notice in order to harass the poor traders. We use the word "harass" advisedly, because, as we have shown before, the Notice in question grants precious little to the British Indians. All the new licence-holders are, in accordance with it, under notice to remove to Locations; nor are any of these licences transferable from person to person. Would the influential members of the Chamber of Commerce at Potchefstroom deprive the British Indian traders even of what little remains to them under the Notice?

Indian Opinion, 10-9-1903

347. *JAPANESE QUARANTINE*

The alert enterprise of Japan has long been the admiration of the world. In its quarantine regulations, it equals, if not surpasses, Western countries. A writer in the *Medical Record* says that the Japanese quarantine rules are strict, for the Chinese and Korean pestilence centres are only two or three days distance by steamer, and Japan has much commerce with the mainland.

On entering a Japanese harbour, a steamer is met by a boatload of quarantine doctors. Their launch is equipped with microscopes and apparatus for making bacteriological examinations. Each of the doctors is able to speak at least one foreign tongue, so that English, French, German, Russian and Chinese, indeed, people of all nations, can be examined in their own languages.

All the passengers and the members of the crew are lined up on deck, called by name and checked off on the list. While this is going on, the physicians pass along the line, feel every man's pulse, make him put out his tongue, and if he shows signs of illness, they produce thermometers and take his temperature.

Nothing escapes the doctors. It is useless to try the old trick of sending a man round the deck-house to be counted twice, for every man not present must be accounted for and examined wherever he is on duty while the count on deck is going on.

Men who have symptoms of illness are set aside and examined. The doctors show proficiency in the latest methods of diagnosis.

So carefully are the quarantine regulations observed, that the crew is inspected even on a vessel going from one Japanese port to another.

Indian Opinion, 10-9-1903

348. THE DEALERS' LICENSES ACT REDIVIVUS–II

The decisions of the Town Councils of Newcastle and Durban are a warning to the British Indian traders in Natal of what is in store for them in January next when licences will have to be renewed: As the events of 1898 bid fair to be repeated in all their ugliness during the coming year, it might be as well to recall the incidents connected with the Indian licences during that year. It was the Newcastle Town Council which led the way then, and perhaps, quite by accident, it leads the way now. In 1898, as we have already said in a previous issue, all the Indian licences were, in the first instance, refused by the Licensing Officer at Newcastle. Counsel had to be engaged by the aggrieved storekeepers at a heavy fee, with the result that six out of nine licences were ordered to be renewed by the Town Council. The matter, it will be remembered, went to the Privy Council in order to test the question as to whether the Supreme Court of the Colony had appellate jurisdiction over the decisions of Town Councils under the Dealers' Licenses Act. The then Chief Justice said that the Supreme Court had jurisdiction. The Privy Council, however, decided against the British Indian contention. The appeal cost the community over £600. The upshot, however, was that Mr. Chamberlain felt, as also did the legislators, that the deprivation of the right to appeal was a serious mistake, and the Government issued circulars to the Town Councils and Local Boards saying that unless they exercised their powers in a judicious and reasonable manner and respected vested rights, the law might have to be re-considered. This had the desired effect for the time being, and up till now, except in the country places and isolated places, no difficulty was experienced as to renewals of licences. Some of the Town Councillors in Durban did not hesitate to express their disapproval of the Act, and the manner in which discretion was exercised by the Licensing Officers. Mr. Collins was one of them. Mr. Labistour, the present Attorney-General, when he was in the Town Council, made some strong remarks, and said that the Town Councils were called upon to perform a "dirty work" in that they were expected tacitly to refuse licences merely on the ground of colour, and suggested

that, if the Legislature wanted such work to be done, it ought to have had the honesty to legislate in that direction, and not leave the Town Councils to do it. Now, however, the effect of the circular in question seems to have been entirely destroyed. The position is very serious, and would require all the energy that the Indian community can put forth in order to avert a disaster. Mr. Chamberlain, when he was in Durban in December last, was pleased to say that the Indians already settled in the Colony were entitled to fair and honourable treatment. Sir Albert, in confirming Mr. Chamberlain's view, went so far as to admit that the Dealers' Licenses Act was faulty, in that the right of appeal had been taken away.

We have said times without number that the Town Councils may fairly regulate the issue of dealers' licences in view of the popular prejudice, but it certainly ought not to be done capriciously, nor should the objection be based on the sole ground of colour. If the stores are not in keeping with the surroundings, the Town Council might say so and insist on suitable premises being built. If there is anything wrong with the applicant himself, he might be called upon to remedy the defect. But after all the reasonable requirements have been fulfilled we consider it a very serious injustice that any man should be prevented from trading because he does not wear a white skin. And it would hardly be called fair and honourable treatment to deprive innocent traders of their living by a stroke of the pen. The remedy for the evil, in our opinion, lies solely in giving to the Supreme Court the jurisdiction which, we contend, has been unconstitutionally taken away from it. It is a matter for thankfulness that the highest Courts of Justice throughout the British dominions are always pure, and the meanest of British subjects can rely upon getting fair decisions without favour or prejudice. These courts are the sheet-anchor of the liberties of the people, and until the legislature restores to our Supreme Court the power of reviewing decisions of the Town Councils sitting in appeal over Licensing Officers on merits of each case, there will be no rest for the Indian traders, and the attitude of the Legislature will always stand condemned in the estimation of lovers of justice and fair play.

Indian Opinion, 17-9-1903

349. COMPULSORY REPATRIATION

Though the Commission has made no recommendation on the subject of passing a law to force Indians back to India at the expiration of their term of service unless they renew their indentures, I wish to express my strong condemnation of any such idea, and, feel convinced that many who now advocate the plan, when they realize what it means, will reject it as energetically as I do. Stop Indian immigration and face the results, but do not try to do what I can show is a great wrong. What is it but taking the best of our servants (the good as well as the bad), and then refusing them the enjoyment of their reward? Forcing them back (if we could, but cannot) when their best days have been spent for our benefit. Where to? Why, back to face the prospect of starvation from which they sought to escape when they were young—Shylock-like, taking the pound of flesh, and Shylock-like, we may rely on it meeting Shylock's reward. Stop Indian immigration, if you will; if there are not enough unoccupied houses now, empty more by clearing out Arabs and Indians who live in them, and who add to the productive and consuming power of a less-than-half-peopled country. . . .The Colony can stop Indian immigration, and that, perhaps, far more easily and permanently than some 'popularity-seekers' would desire; but force men off at the end of their term of service—this the Colony cannot do—and I urge on it not to discredit a fair name by trying.

These are the words of the late Mr. James R. Saunders, who uttered them with all the responsibility on his shoulders of Commissioner to investigate the question of Indian immigration, and what was true in the year 1887 is equally true today, for Mr. Saunders took up the highest platform, namely, that of right and wrong, and we question very much whether the idea of right and wrong has changed very much within the last sixteen years. With some people it may have, owing to selfishness or other reasons; but these were carefully examined by Mr. Saunders in 1887, and he could not come to any other conclusion than that compulsory repatriation could not be resorted to by a British Colony. What are we, then, to think of the attempts that have been lately made and repeated by the Natal Government to bring about the forced return of indentured Indians to India after the expiry of their indentures? We hope against hope that there is some mistake made by

Mr. Chamberlain when he made the statement that the Indian Government had accepted the proposal made by the Natal Government.

When, in 1894, the first Commission on behalf of Natal went to India to persuade the then Viceroy, Lord Elgin, to accept the principle of compulsory return, while declining to entertain the proposal in the form in which it was submitted, His Lordship said:

> I should myself have preferred the continuance of the existing system, under which it is open to an emigrant at the termination of his period of indenture to settle in the Colony on his own account, and I have little sympathy with the views that would prevent any subject of the Crown from settling in any Colony under the British flag; but, in consideration of the feeling manifested in the Colony of Natal towards Indian settlers, I am prepared to accept the proposals, A to F, set forth by the delegates in the memorandum of 20th January, 1894, subject to the following provisions, viz.: (a) That a coolie, when first recruited, shall be required by the terms of his contract, to return to India within, or immediately on, the expiration of the period of his indenture, unless he may prefer to re-enter into a further indenture on the same conditions. (b) That such coolies as may refuse to return should not, in any case, be made subject to penalties under criminal law. (c) That all renewals shall be for a period of two years, and that a free passage should be secured to the immigrant at the end of the first term for which his engagement is made, as well as at the end of every subsequent renewal.

We note that, following up Lord Elgin's suggestions, a £3 tax was imposed on all who did not wish to return or to re-indenture, and that is the state of the law at present. It was expected at the time the law was passed that the Indian Government would not go any further than Lord Elgin thought fit to do. Lord Curzon is credited with unsurpassed strength of will and firmness of purpose, and also with a desire to protect the interests of those over whom he is appointed as guardian. He has shown all these qualities in connection with the proposed grant by India towards the payment of Mr. Brodrick's South African garrison. We have, therefore, every reason to hope that, although, in this instance, it is the interests of the dumb coolie, he will not be less eager to extend his protection.

Mr. Chamberlain's despatch to Lord Milner, in connection with the proposal to introduce 10,000 indentured Indians into the Transvaal, raises a suspicion that the Viceroy may think that if he could secure better treatment for free Indians in the

Colony, he might yield to the wishes of the Natal Government regarding indentured labour. We, therefore, hasten to clear the point as emphatically as possible, and we think we do but voice the universal Indian sentiment when we say that there is not in the Colony a free Indian who would agree to buy better treatment at the expense of his indentured countrymen. After all, the free Indian is in a position to look after himself. He can wait for better treatment until the Colony has veered round, or the Imperial Government has asserted its position in matters of Imperial policy. But the indentured Indian, even as it is, is practically helpless. He comes from India in order to avoid starvation. He breaks asunder all the ties, and becomes domiciled in Natal in a manner that the free Indian never does. To a starving man there is practically no home. His home is where he can keep body and soul together. When, therefore, he comes to Natal and finds that he can, at any rate, have no difficulty as to feeding himself, he quickly makes of it a home. The associations he forms in Natal among his own class are to him the first real friends and acquaintances, and to expect him to break that home is nothing short of cruelty. We have, therefore, no hesitation in saying that an Indian with any humane feelings, and any sense of common tie and common blood, would simply decline to have his position bettered at the price which may be asked by the Natal Government.

Indian Opinion, 17-9-1903

350. *PREJUDICE WITH A VENGEANCE*

We are constrained once more to revert to the vexing Plague Restrictions on British Indian refugees wishing to enter the Transvaal. Although there is absolutely no plague in the Colony, and there has been a long interval between the last case of plague and now, the Transvaal Government, in their eagerness(?) to save the Colony from the introduction of the disease, continue the prohibition against British Indian refugees. We have often remarked that there is about this cruel embargo not the slightest sense of justice, and the sooner the Transvaal Government see their way to allow the refugees (hundreds of whom are dependent on their friends) to return to their homes, the better it would be for them as also for the refugees. Lord Milner was pleased to say to the British Indian deputation that the Government had no prejudice whatsoever against the Indians.

We wonder what answer His Excellency would give in justification of the plague embargo.

Indian Opinion, 17-9-1903

351. INDIAN ART

The Times of India weekly edition to hand gives a very interesting description of the new palace which is being built at Mysore for the Maharajah. We reproduce portions of it for the edification of our South African readers, both European and Indian. The former will be able to realize what Indian art means, and also that India, as is often believed in South Africa, is not a place dotted merely with huts inhabited by savages. To the Indians who have never been in India, it would be a matter of national pride and satisfaction that the enlightened potentate of Mysore is bent on encouraging Indian art, and on reviving it in a most practical form. It will be seen from the description given by *The Times of India* that nearly twelve hundred workmen belonging to families trained to the craft for generations find that their work can be appreciated and prized, at any rate, in Mysore. We wish we could give our readers a reproduction of the fine supplement to *The Times of India*, giving some of the illustrations of the work being done in Mysore. A quotation on Indian art from the late Sir William Wilson Hunter's *Indian Empire* may not be out of place here:

> The Hindu palace-architecture of Gwalior, the Indian-Muhammadan mosques and mausoleums of Agra and Delhi, with several of the older Hindu temples of Southern India, stand unrivalled for grace of outline and elaborate wealth of ornament. The Taj Mahal at Agra justifies Heber's exclamation that its builders had designed like Titans, and finished like jewellers. The open-carved marble windows and screens at Ahmedabad furnish examples of the skilful ornamentation which beautifies every Indian building, from the cave monasteries of the Buddhist period downward. They also show with what plasticity the Hindu architects adapted their Indian ornamentation to the structural requirements of the Muhammadan mosque. English decorative art in our day has borrowed largely from Indian forms and patterns. The exquisite scrolls on the rock-temples at Karla and Ajanta, the delicate marble tracery and flat wood-carving of Western India, the harmonious blending of forms and colours in the fabrics of Kashmir, have contributed to the restoration of taste in England. Indian art-work, when faithful to native designs, still obtains the highest honours at the international exhibitions of Europe.

Indian Opinion, 17-9-1903

352. NOTES ON THE PRESENT POSITION[1]

JOHANNESBURG,
September 21, 1903

UP TO 21ST SEPTEMBER 1903

In none of the cases referred to in the long cablegram sent on the 4th August[2] has relief been yet granted. Non-refugee British Indians required for trade purposes are not allowed to enter the Colony, nor have all the refugees been yet granted permits.

The licensing question still remains where it was, although the time for renewals is drawing near. For those who are in possession of licences now but who did not trade on the outbreak of hostilities in their respective places, the situation is most critical, as, if they are forced to remove to Bazaars or Locations it would mean practically ruin to them.

The mosque property at Pretoria[3] still remains in jeopardy; the Government have not sanctioned transfer thereof in the names of the trustees.

The embargo on the arrivals from Natal has not yet been taken off, although the Natal Government has declared that the last case of plague was over now nearly a month ago.

The Orange River Colony still closes its doors against the Indians except as labourers, pure and simple, and then only after a great deal of trouble and worry.

These are things which call for *immediate* attention and redress.

Indian Opinion of 17th September, 1903, enclosed.

India Office : Judicial and Public Records, 402, and *India*, 16-10-1903

[1] These were sent to Dadabhai Naoroji who forwarded them to the Secretary of State for India.

[2] *Vide* p. 474.

[3] *Vide* pp. 469-70.

353. THE DEALERS' LICENSES ACT REDIVIVUS – III

An Appeal to the Legislators

It is with great regret that your petitioners have to record that the fears expressed in the memorial[1] have been more than realized, and that the judicial interpretation has been against the British Indians in the Colony. In a case herein below referred to Their Lordships of the Privy Council have decided that from the decision of the Town Councils or the Town Boards, there is no appeal to the Supreme Court of the Colony under the above Act. This decision has paralysed the Indian traders. Consternation has seized hold of them, and there prevails amongst them a feeling of insecurity and a nervous fear as to what may happen during the ensuing year. . . . How the next year will open for the Indian traders, your petitioners do not know. Every storekeeper is, therefore, in a state of feverish anxiety. The suspense is dreadful. The large houses, fearing that their customers, small storekeepers, might be refused their licences and, having the only hope they had of securing some check on the licensing authorities taken away from them by Their Lordships of the Privy Council, have become despondent and hesitate to clear their goods.

This was written by the British Indian traders in 1898 and addressed to Mr. Chamberlain in connection with the Dealers' Licenses Act. History has repeated itself this year, and the above prayer may well be addressed, in view of what has passed during the last three weeks, to the legislators of the Colony.

Let us clear the way by at once making an admission for the sake of agreement, conciliation and yielding to the wishes of the Colonists, namely, that some restriction should be placed on traders' licences. Mr. Ellis Browne, in his now famous Bazaar Notice, dealt with the question of insanitation, and undue competition on the part of those who did not live as lavishly as the European traders. We will, for the sake of argument, assume that there exists undue competition, and that there is a great deal of insanitation amongst the British Indians, and that these two evils ought to be remedied by some legislation. That agreement being arrived at between the Europeans and the Indians residing in the Colony, the question is: How should the end be achieved?

[1] *Vide* Vol. II, pp. 140-229.

The Europeans responded in 1897 by passing the Dealers' Licenses Act. Then followed an interval. It was recognized that the Act was too drastic, and its operation was tempered with a large amount of discretion, reason and justice. Now, however, there seems to be a reaction, and the Act is to be enforced, if the decisions lately given by the Newcastle Town Council and the Durban Town Council are a fair index, to the fullest extent without regard to right or wrong. As against this, the position taken up by the British Indians is in our humble opinion, unanswerable. The Act is, in its present form, manifestly unjust. In taking away the jurisdiction of the ordinary Law Courts of the Colony, it strikes at the very foundation of the principles of the British Constitution. It gives extraordinary powers to men whose interests are in conflict with those of the applicants for licences who may appear before them, and it enables them to appoint an officer (the Licensing Officer) who holds practically the livelihood of poor men in the palms of his hands, one who cannot give an unbiased, disinterested, and fearless judgement. The British Indians then say: 'Take away all this from the Licensing Act. Define, as nearly as possible, the powers of the Town Councils and Local Boards. Deal with insanitation ruthlessly, and insist on suitable buildings—dwelling-rooms separate from stores, proper book-keeping, etc. But after you have your requirements fulfilled, let the applicant feel certain that he will receive his licence, whether it is a new licence or whether it is merely a renewal. Let the Licensing Officer be not merely a creature of the Town Council, but an independent officer, who will be able to give his decision on the merits of each application, and, with certain well-defined reservations, let there be an appeal from the decisions, either of the Licensing Officer or of the Town Councils, to the Supreme Court.' There will then be no opposition from the Indians. Not that any opposition from the Indians is worthy of consideration by the legislators, still we state it as a fact for what it may be worth. Anyhow, there will be no injustice. The law will be capable of being understood by outsiders, and those who may be affected by it will know exactly what their position is.

This is what Sir Walter Wragg said in connection with the appointment of Licensing Officers:

> It has been suggested to the Court that an officer so appointed must have a certain amount of bias in his mind because he was an officer permanently under the Town Council and must be in the Council's confidence. His Lordship was not going to decide the matter on that point, but he could quite see that the Licensing Officer should be some

person who was not in the Town Council's service and who was not in the confidence of the Council.

How the powers vested in the Town Councils have been abused in the past will be clear from the following remarks made by Mr. Justice Mason, who then adorned the Natal Bench. In the course of proceedings in appeal filed on behalf of the British Indians:

> He "considered the proceedings under appeal were a disgrace to the Town Council, and he did not hesitate to use this strong language. He considered under the circumstances, that it was an abuse of words to say there had been an appeal to the Town Council."

The present Attorney-General, when he was a member of the Town Council, gave vent to the following sentimenst:

> He "had purposely refrained from attending the meeting owing to the anomalous policy pursued in appeals of that kind. He disagreed with the dirty work they (the Councillors) were called upon to do. If the burgesses wished all such licences stopped, there was a clean way of going about the matter, namely, getting the Legislative Assembly to enact a measure against the granting of licences to the Indian community; but sitting as a Court of Appeal, unless there were good grounds to the contrary, the licences should be granted."

Dealing with the question of deprivation of the jurisdiction of the Supreme Court, and the decision of the Privy Council on the Act in question, our contemporary, *The Natal Advertiser*, expressed its opinion as follows:

> We can only say that we deeply regret the decision (of the Privy Council).... It is an Act which might have been expected from the Transvaal Raad. That body in the Aliens Expulsion Law has outstepped the jurisdiction of the High Court, and our readers will remember the outcry raised about it in the Colonies. But it is not one whit worse than this Act; indeed, if there is any difference, ours is worse, because it is likely to be much more frequently enforced. It is absurd to say that the Act would not have been effective if right of appeal to the Supreme Court had been allowed. Surely, that body could be trusted to exercise common sense. . . . Far better, indeed, that in one or two cases, the latter (the desire of the Municipalities) should have been overruled than that the principle should be laid down in a self-governing community under representative institutions, that, in any case affecting the rights of the citizens, recourse to the highest judicial body in the State should be deliberately debarred.

We hope we have thus shown from the mouths of the responsible Colonists how far the objection recited above has been held just by them.

We, therefore, appeal to the legislators, and the Colonists in general, to set themselves right without any pressure from Downing Street in a matter of such vital importance, especially because what they want to do can be done in a far less offensive manner, unless the intention is really to root out every Indian trader from the Colony, whom, Sir James Hulett only last week, in giving his evidence before the Labour Commission of the Transvaal, has described as a benefit to the Colony. Mr. Ellis Browne, also, was pleased to say that the intention was not to offend the feelings of the Indians nor yet to root them out, but to do justice and to recognize vested rights. We hope that, in uttering these sentiments, he has voiced the general Colonial feeling. If so, our appeal is, in our humble opinion, fair, and it ought to receive the consideration it deserves.

Indian Opinion, 24-9-1903

354. THE LABOUR QUESTION IN THE TRANSVAAL

The Labour Commission, which has been sitting at Johannesburg in order to inquire whether there is a sufficient supply of labour in Africa for the development of the Transvaal, is now drawing to a close. The Commissioners, who went out to the East to find out whether Chinese labour is available, are due to return some time this week. That the Commission will find that the labour supply available in Africa is inadequate for the demand, is a foregone conclusion. That importation of Asiatic labour, and most likely Chinese labour, would be then decided upon, may also be taken for granted.

The question, therefore, affects the British Indians residing in the Transvaal to some extent. The British Indians already know, to their cost, how the status of independent Indian settlers has been very much mixed up with the question of importation of indentured Indians. The Transvaal Government, as it were by prophetic vision, have prepared us for further confusion. In the Transvaal, the most specific term "British Indians" has given place to the more general term "Asiatics". It is "The Department of Asiatic Affairs", "Asiatic Supervisors", and "Asiatic Bazaars". The importation, therefore, of the Chinese will, if only indirectly, prejudice the Indian cause. Be that, however, as it may; for the

present, we propose to examine the question from the Chinese standpoint, and on broad general principles.

We have already said that, in thinking of the importation of the Chinese, the millionaires and their supporters in the Transvaal forget the native of the soil entirely, and forget also the interests of the future generation of white settlers. Bad enough, however, as the position is from these two standpoints, it is infinitely worse from that of the poor people, who would be imported into the country under most galling terms. The millionaires, in their eagerness to add to their millions, and others in their rush to become suddenly rich, do not even consider it necessary to give a passing thought to the fact that the Chinese, much abused as they are, have some claim as their fellow-human beings on their attention. And we make bold to say that the mere fact of their agreeing to conditions that may be imposed on their arrival would not, in any degree, lessen the awful responsibility of those who would make them. According to the British laws, there are some contracts which are void or voidable even though the contracting party may have given the necessary consent. For instance, those entered into by minors, or married women. If a ruffian were to present a loaded revolver at a man and say, 'Your life or your signature', and if the latter gave the signature the law steps in and says it is of no effect whatsoever. If any undue influence is used in obtaining the ratification of a contract, it is also void. A starving man giving away all his possessions and all his liberties would be allowed to recall them as soon as he wished to, and we have no hesitation in saying that, in spite of all the elaborate preparations that might be made to explain the nature of the indentures that might be offered to the Chinese, and in spite of their assent thereto in the presence of big officials, it would be morally, at any rate, if not legally, undue influence, for we cannot conceive the possibility of a free human being willingly agreeing to the terms such as those proposed at the various meetings that have recently been held in the Transvaal.

The labourers will be expected to enter into a contract of service for a term of years, at the end of which they would be forced back to the place where they came from. In the Transvaal, they are to be confined to Compounds, and they will not be allowed to use their brains, or their pens, or the brush, or the chisel. All they may use would be the shovel and the spade. We have hitherto been accustomed to think that the natural abilities of a man would be allowed to have full play when coming in contact with a type of men other than himself, but the poor Chinese will

not be able to do anything of the kind, and it is no earthly use whatever for him to find out after his arrival that he would be able to earn, for instance, in cabinet-making as much in one hour as he would as a mining labourer in eight hours. He must allow his intelligence to be dwarfed, and be content to remain an unskilled labourer, pure and simple. This we consider to be totally indefensible and unjust. The pity of it all is that, after creating such an artificial situation, the Colonists would grumble if the "Heathen Chinese", as he is called, turns out to be a moral leper, resorts to all kinds of makeshifts in order to throw off his yoke, and by hook or by crook endeavours to make use of his abilities which he may have inherited from his ancestors. The mining industry is undoubtedly the mainstay of the Transvaal, but the Colonists may be buying its development too dearly. Nor is it at all contended that it will come to a standstill without the supply of labour from outside sources. Sir George Farrar, at the great meeting held some months ago at Boksburg, (which, in spite of his eloquence and persuasive powers, by an overwhelming majority very rightly rejected his proposal to introduce forced Asiatic labour) compared the mines to "treasure chests". The gold locked up in those chests is not going to rust away for want of labour. Why not, then, keep some of these chests locked up for the use of the future generations? Why should they be forced open for the benefit of the few at the sacrifice of everything else?

Ours, we know, is a very insignificant voice in the wilderness. All the resources of the White Leagues seem to be proving absolutely ineffectual against those of the magnates who are determined upon bringing 200,000 Chinese. So far, however, these gentlemen have taken up, if we may venture to say so, a low standpoint of selfishness. May we not appeal to them to add to their mode of propaganda, and strengthen their position by defending the defenceless and the voiceless also? Let us make it perfectly clear that, in making our appeal to them, we do not wish to be understood as advocating the free immigration of Asiatics. We have said before, and repeat here, that restrictions on immigration will be perfectly justified within reasonable bounds. We believe as much in the purity of race as we think they do; only we believe that they would best serve the interest, which is as dear to us as it is to them, by advocating the purity of all the races and not one alone. We believe also that the white race in South Africa should be the predominating race, and the gentlemen of the White Leagues will be simply furthering their object by standing on the rock of morality, and saying: 'Even if we believe that all those restrictions

which are so much talked of can be enforced, and that the Chinese who may be brought here would without difficulty be sent back, we reject them as inhuman and as unworthy of a race that leads other races in civilization.' We would remind them of Lord Macaulay's remark in one of his essays, wherein he says: "We are free, we are civilized to little purpose if we grudge to any portion of the human race an equal measure of freedom and civilization."

Indian Opinion, 24-9-1903

355. MR. STUART THE MAGISTRATE

On reading Mr. Stuart's minute on an Indian murder case, referred to elsewhere,[1] it gave us pain to remark upon his making political capital out of it. It now gives us pleasure to congratulate our worthy Magistrate on putting his foot firmly down on the serpent of immorality, as he did in the case of a wretched Indian the other day. That is the kind of proceeding which would appeal forcibly to the delinquents against the morality law. We hope that the Indians would endorse the action of the Magistrate by visiting the man with such ostracism as the Indians alone know how to do. Such men as the culprit are a curse to society, and do infinite harm to a community which has the misfortune to own them. The biter has been well bit this time, and we are glad that Mr. Stuart has imposed the maximum penalty of the law.

Indian Opinion, 24-9-1903

356. MR. STUART IN A NEW ROLE

The correspondence between the Colonial Secretary and the Governor of Natal, published by the *Mercury*, has been in our hands for some time; but we have been loath to publish it, as we thought it would do no good. For, it is not isolated cases of hardship which constitute the grievance of the Indian, but the studied manner in which he is being degraded and deprived of the means of living. We have always held that the Indian gets as good justice as any other in the Courts of Justice, especially the higher. But as the correspondence has been published, some

[1] *Vide* the following item.

remarks are inevitable. And it is very distressing to find Mr. Stuart occupying the role of a special pleader and sensationalist, instead of the cool, unbiased magistrate that he generally is. He has, in our opinion, unnecessarily given a political aspect to a simple case of murder, which was referred to him for inquiry. Note Mr. Stuart laying stress on the Indian advocate defending the case of the accused, the Indian community not co-operating in giving information—as if only it could give same, and as if it knew the culprit. Henceforth, according to Mr. Stuart, if there is an Indian murder, and if the murderer is not traced, the 70,000 Indians in the Colony are to be blamed—it is their province, and not of the police, to find out the murder[er]! May we correct Mr. Stuart and inform him that "Mr." Bhownaggree is a knight, and therefore Sir Mancherjee? The informant of the worthy knight may be a local newspaper, in which case it would be easy for our amiable A. A. M.[1] to find out the correspondent, and take his deposition.

Indian Opinion, 24-9-1903

357. LOCATION LAW OF THE TRANSVAAL

The current issue of the *Government Gazette* of the Transvaal gives a list of the Indian Locations surveyed and appointed by the Government. The outlook is bleak for our countrymen in that Colony. The ex-Colonial Secretary has said more than once that the whole question was engaging his attention. Lord Milner says the Bazaar Notice is only tentative. Either, therefore, the Government of the Transvaal propose to ignore Lord Milner, or are unjustifiably wasting public money over a matter which has yet to be finally decided. Lord Milner has very adroitly remarked that one of the three things in which the present Government are granting relief not granted before is in laying out Bazaars. In naked terms, whereas the Boer Government did not remove the Indians to Bazaars, Lord Milner proposes to do so. The Government have "gone one better", and have already mapped out Locations. And yet Lord Milner takes the Indians to task for saying that they are being worse treated now than before, during the old regime. Oh! for a little consistency!

Indian Opinion, 24-9-1903

[1] Acting Assistant Magistrate

358. A THREE-BARRELLED RESIGNATION

Mr. Chamberlain, Lord George Hamilton, and Mr. Ritchie[1] have resigned. This is a veritable thunderbolt. At a time like this, we cannot but think that the withdrawal of the strongest and most masterful minister from the Cabinet is a serious misfortune. No man in the Empire at present knows so well as Mr. Chamberlain the intricate questions that still await solution in South Africa. The work of destruction is finished, but that of reconstruction, which is, after all, far more difficult and far more important, can hardly be said to have commenced. It is, therefore, a matter of no little difficulty that Mr. Chamberlain has thought fit to give up his position, and the Premier will find it almost impossible to replace him at the Colonial Office. To the British Indians, the uncertainty of their position becomes still more uncertain. Mr. Chamberlain has studied, though not as fully as we would have liked, the British Indian question in South Africa. We have become more or less familiar with his views. His despatch to the Federal Ministers in Australia on the employment of Lascars as seamen has placed the question on the Imperial platform, but now we are face to face with, perhaps, a revision by the Colonial Office of the situation. Lord George's resignation, also, and the fact that Mr. Brodrick (who has made himself so thoroughly unpopular in India by his proposal to tax her for the sake of keeping up a large garrison in South Africa) is to succeed him, are ominous signs. Let us, however, hope that Mr. Brodrick, on taking up his new portfolio, will think more of India than he has been hitherto known to do.

Indian Opinion, 24-9-1903

359. SIR J. L. HULETT AND INDIAN TRADERS

Sir James Hulett has given some very interesting evidence before the Labour Commission, now sitting at Johannesburg, to enquire into the question of the African supply of labour for the mines. We copy elsewhere from the Johannesburg *Star* of the 15th instant Sir James' evidence before the Commission. We

[1] Chancellor of the Exchequer

venture to offer our congratulations to the Honourable Gentleman on having spoken out boldly in favour of the much-abused Indian trader. It is, however, a sign of the times that, in spite of holding views flattering to the Indians, he can reconcile himself to the idea of putting legal disabilities on their enterprise and compulsorily repatriating indentured Indians who, in his opinion, have evidently saved the Colony from ruin, and who are to this day indispensable for its prosperity. Speaking of the traders, Sir James said, in reply to Mr. Quinn:

> The Arabs were limited, and were traders almost entirely. The ordinary small trader could not compete with the Arab. The retail Kaffir trade of the Colony was practically in the hands of the Arabs. In the country districts, witness had no objection to this, because he thought the ordinary young white man or woman could do something better than looking after country Kaffir stores. The Arab's wants were less than the ordinary white man's wants. They sold at a smaller profit and, to a certain extent, they dealt fairer with the natives than the European traders, who, at the country stores, desired to make such large profits.

In answer to Mr. Evans, he said that

> he did not think that the importation of Indians had been harmful to Natal. Without it, there would have been no cultivation, and hardly any population in the coast ports. The whole cultivation depended on a plentiful supply of labour.

Indian Opinion, 24-9-1903

360. THE MILLIONAIRE AND THE INDIAN GOVERNMENT

Sir George Farrar's wrath has descended upon the Indian Government and the Colonial Secretary for daring to insist upon less than half of the rights of the British Indians, as such, in the Colony of the Transvaal before they would think of lending Indian labour to the Colony for the development of its resources; and, with the weight of millions that Sir George can bring to bear on any problem he may handle, we do not know what effect it would have upon the objects of his indignation. Intimately connected with, and being dependent for his millions upon, the mining industry, Sir George's position is quite capable of being understood. With a money-making man, the end very often justifies the means. Following up that doctrine, it matters little to Sir George, and the other mining magnates, how the source of their wealth is to be fed, and to them,

from such a point of view, if anyone offers any opposition, just or otherwise, he is a man to be silenced somehow or other. Sir George must have been in some such mood when he uttered the following words before the monthly meeting of the Chamber of Mines held in Johannesburg on the 17th instant:

> It was with a view to relieving this tension that it was suggested by your Chamber that the Government should import indentured coolies from India for the purpose of new Railway construction. After some time, the reply of the Secretary of State for the Colonies was laid on the table of the Legislative Council. I feel it my duty to refer in strong terms to the attitude taken up by the Indian Government, endorsed by the Secretary of State for the Colonies. Whilst feeling strongly our position as a fellow-unit with India in the British Empire, yet we are forced to consider the welfare of the white population in this Colony. We have already offered a labour market to the people of overpopulated India, who could but benefit by the wages taken home by these labourers at the end of their contracts, but we consider that it is the right of the people of this country to decide whether they will allow this country to be overrun by Indian traders, free to compete and settle in a country which we hope some day will be wholly a white man's country. We give to our fellow-subjects in India the right to trade in bazaars, and in this way we consider that the Government have made a generous concession, and in return we certainly do not expect, when we have pledged ourselves to a contribution of 30 millions towards the cost of the South African war, the interest of which we are only able to pay out of the results of our industrial prosperity, that the Indian Government should be so short-sighted as to refuse to help us to meet our obligations incurred in the interests of the Empire of which India is a portion.

Indian Opinion, 24-9-1903

361. *THE DEALERS' LICENSES ACT REDIVIVUS–IV*

Promise and Performance

Mr. Cressler has let the cat out of the bag and shown the real reason why the mining magnates wish to insist upon Asiatic labour. We now know it is not a question of the impossibility of getting white labour at a paying rate, but it is that of the white labourer becoming, in course of time, master of the situation and dictating terms to his employers as to wages, period of working and numerous other things, and becoming a

strong political factor in the Transvaal. It is, therefore, the old story of the strong and the powerful wishing to retain all the power to themselves, and shutting out competitors. The fear that actuates the mining magnates is the fear which actuated our legislators in Natal when responsible government was granted. And when the first step they took was to silence the British Indian by depriving him of the right to vote, Sir John Robinson, meaning every word of what he said in reply to the British Indian petition[1], insisted that their position would be far better without the votes as the House would be taking over a serious responsibility on its shoulders, and would have to see that their liberties were not, in any other respect, curtailed. Unfortunately, that was a promise which had not the force of law. Although, therefore, such a speaker as the then Prime Minister expressed the above authoritative and representative opinion, and, therefore, morally binding on our legislators, the performance has been quite contrary to the promise which Sir John so generously made. The Immigration Act and the Dealers' Licenses Act followed closely on the heels of the disfranchising Act. It is, however, the latter on which we wish to lay the utmost stress, as it is a law which affects the well-being of those who have already settled in the Colony, and to whom it is an ever-present danger. We have already dealt with the different ways in which that Act has injured British Indian interests. We reproduce elsewhere the petition[2] to which we referred last week. It deals exhaustively with the working of the Act, and is very seasonable in view of the activity shown by the Durban and Newcastle Town Councils. What we fail to understand is the tenacity with which the Town Councils cling to the most objectionable portion of the Act, namely, the deprivation of the jurisdiction of the Supreme Court over their decisions in regard to the granting of dealers' licences; for, as we have already shown, the object they had in view can be easily and equally well served without recourse to what has been proved to be an unconstitutional procedure. We cannot do better than quote from *The Times of Natal*, as it admirably expresses the Indian opinion:

> By all means make them (Indian traders) adhere to the strictest sanitary regulations, keep their books in English, and otherwise do as English traders do, but when they have met these demands, give them justice. No honest thinking man can say that the new Bill

[1] *Vide* Vol. I, pp. 133-5.
[2] *Vide* pp. 26-56.

(referring to the Dealers' Licenses Act) gives these people justice, or the community justice, because it puts into the hands of interested parties the power to push out competition which is beneficial to the multitude, and enables these interested parties to fill their own pockets.

This was written in 1898, and what was true then is doubly true today after the experience the British Indians have had of the working of the Dealers' Licenses Act now for the last seven years. Unless prejudice has entirely blinded the sense of justice of the Colonists, it is simple enough to recognize that the utmost uncertainty which hedges round every Indian licence owing to this Act should be removed, and that after the requirements, no matter how severe they may be, are fulfilled, the applicant ought to be allowed to feel certain as to his position. And until this elementary measure of fairness is meted out to the British Indians, there can be no rest, and it is the clear duty of our countrymen to persistently agitate, so that the desired amendment may be made in the Act.

Indian Opinion, 1-10-1903

362. THE JOHANNESBURG INDIAN LOCATION

About two years ago, it was that Major O'Meara, the then dictator of Johannesburg, with his fine Irish humour, perpetrated on the Johannesburg public a practical joke by drawing up a most sensational report on the alleged insanitary condition of the Indian Location in Johannesburg. He warned the public, in the plainest terms possible, of the grave and immediate danger to health owing to the existence of the Indian Location. The cry was later taken up by Mr. Lionel Curtis and Dr. Porter, two enthusiasts fresh from London. Thinking that they should render the Johannesburg community some signal service and earn their wages as also the gratitude of a certain class of people, they improved upon the worthy Major and condemned some other sites also near the Indian Location, the cry still being that the whole of what was dubbed "Insanitary Area" constituted an ever-present and immediate danger to the lives of the inhabitants of Johannesburg. The Town Councillors, consisting of businessmen, naturally scented a cheap bargain for the Municipality, and drew up a thundering report for submission to Lord Milner, asking His Lordship to give the Town Council extraordinary powers for the expropriation of what they

described as an insanitary area. Lord Milner hesitated a little and effected a compromise by appointing a Commission to inquire into, and to report upon, the proposition made by the Town Council. The farce was gone through. The Commissioners decided in favour of the Town Council, condemning the area, and advised Lord Milner to give the Town Council the power of expropriation. Thus, Major O'Meara's leisurely report has resulted in the deprivation of the just rights of thousands of inhabitants within the area. If there is any doubt about our statement, we refer the sceptic to the burning words of the late Sir William Marriott, who condemned the policy of the Town Council in no measured terms. Many eminent medical men, also, gave evidence to the effect that the area, which it pleased the Town Council to describe as insanitary, was not more so than many another part of Johannesburg, and that the defects pointed out as existing in that area were common more or less to the whole of Johannesburg. All that, however, was of no avail. The Town Council was determined upon having all that portion of Johannesburg, and Mr. Curtis and Dr. Porter proved valuable agents in accomplishing the object. Nero's fun, however, has only just commenced. The Town Council has entered upon the whole of that area, and holds the inhabitants at its mercy. We read in the Johannesburg newspapers how the claims for compensation are being starved out. We also understand that, danger or no danger, the Town Council proposes at present not to disturb the occupation of tenants and that it would graciously allow the tenants to occupy its premises at the same rental they used to pay to their respective landlords before the 26th of September. If, therefore, there were rack-renters, the Town Council would now have the honour of taking up that role. If there was overcrowding before, and we have it on the authority of Dr. Porter that overcrowding in some parts of the insanitary area was beyond description, then such overcrowding also is to remain, with this difference that whereas, prior to the 26th September, the poor individual landlords were subject to the Town Council regulations as to overcrowding, etc., the Council itself is practically free from any such restrictions. And now that the Council is in possession, the danger to the health of the community has, of course, vanished altogether. Such, also, is the difference between strength and weakness, power and subjection. Two years have elapsed and no epidemic has visited Johannesburg, nor have the inoffensive inhabitants of the so-called insanitary area proved

a source of danger in any way whatsoever. That fact is an irrefutable demonstration of the hollowness of the hysterical arguments advanced by Dr. Porter. But the pinch of all this will be most felt by the weakest among the weak, namely, the British Indians in Johannesburg. It is they whose position is the worst possible. Others will be able to invest what they may receive in respect of their claims in landed property elsewhere in the Transvaal. They will be able to reside where they please. But the Indians are now without either of these rights. The only place in the Transvaal where the Indians held ninety-nine years' leases in their own names was Johannesburg and it was in connection with the ninty-six Stands in the Location in question. But now they do not know whether they will be allowed to hold land elsewhere in Johannesburg under an equivalent title. And although provision is made in the Insanitary Area Expropriation Ordinance for the residence of the people dispossessed on a site very near to the expropriated area, there is entire uncertainty as to where they are to be located. It should also be remembered that most of the Indian population is concentrated in Johannesburg. Our countrymen there have our sympathy, and if the powers that be do not help them, we have an abiding faith in the mercy of the all-wise Providence, who will not forsake them.

Indian Opinion, 1-10-1903

363. POLITICAL MORALITY

We dealt last week with Mr. Stuart's report on the enquiry made by Mr. Chamberlain regarding certain cases in Natal. We propose now to deal with the cases of two licences in the Transvaal about which Lord Milner sent a report to Mr. Chamberlain. In dealing with the report, however, we are aware that, if it is at variance with the facts of the case, His Excellency could hardly be held responsible, seeing that he would have to depend upon the statements placed before him by those in charge of the matter in question.

We print below the official version and the true facts as we know them.

OFFICIAL VERSION

(1) The Indian in question (Hoosen Amod) was trading in Wakkerstroom in 1899 in premises occupied under lease not in his own name, which lease expired on the 15th July, 1899.

FACTS

(1) The report omits to state that the lease was in the partner's name, and that although it expired on the 15th July, 1899, it was renewed, both of which facts were within the knowledge of the Magistrate.

OFFICIAL VERSION

(2) By the First Volksraad resólution, article No. 1072 of the 5th August, 1892, he was prohibited from trading after that date except in the Coolie Location, and on the 15th July, 1899, the Landrost of the district closed the store.

FACTS

(2) The report omits to mention that the resolution was never acted upon in a single instance, that the licence-holder denied that the Landrost ever closed the store, and produced evidence of responsible European residents of Wakkerstroom, one of whom was a bank manager, and the other an officer in the employ of the late Government, showing that the store remained open, at least, up to the end of August, and that he (Hoosen Amod) voluntarily locked it when the exodus from the Transvaal commenced owing to the impending war.

OFFICIAL VERSION

(3) In June, 1902, Hoosen Amod applied to the Resident Magistrate of Wakkerstroom, stating that his lease had not expired. The Resident Magistrate, without making enquiries, granted a licence to trade until the 31st of December, 1902. In November, the Magistrate discovered that the lease had really expired, and that the licence granted had, consequently, been obtained under false pretences.

FACTS

(3) It has been already stated above that the lease had not expired because it was renewed. Therefore, if the charge of false pretences has been brought by an ordinary man, it would have been considered a libel. At the time the Magistrate granted the licence, he had seen the lease in question.

OFFICIAL VERSION

(4) The case of Hoosen Amod did not come within the scope of the principle by which this office had been guided in dealing with the applications of Asiatics for licences to trade, which was to the effect that those who had held licences to trade before the war, and whose trade was stopped by the war either by its outbreak or in anticipation of it, were entitled to a renewal

of their licences. Hoosen Amod was not trading at the outbreak of war, and his trade was not stopped by any reason connected with the war.

FACTS

(4) The practice, at the time the question of this licence was engaging the attention of the Government, was that all who traded before the war, whether they closed their business on the outbreak or in anticipation of war, were able to get their licences. Indians who traded in the Transvaal in 1898, or even earlier, were then being granted licences. Instances by the dozen could be produced to prove this. The applicant urged the contention and brought the fact to the notice of the Government, without avail. Further, if anybody could be said to have closed his store in anticipation of the war, it was Hoosen Amod.

OFFICIAL VERSION

(5) Nevertheless, it having been ascertained that the trader has laid in a large stock of goods, and in spite of the fact that this had been done, on he face of a licence acquired by him under false pretences, it was decided to extend every leniency that was possible in the case, and to renew Hoosen Amod's licence, instructions to which effect were issued to the Resident Magistrate at Wakkerstroom in April last.

FACTS

(5). The report omits to mention that the Government took four months to find out that Hoosen Amod had a large stock of goods, and that he was practically starved out, his store having been forcibly and illegally closed, there being no statutory authority for forcible closing of stores, the only remedy open to the Government against persons trading without licence being to prosecute them for a breach of the law, and to fine them.

A few remarks, however, may well be added to complete the story of downright oppression. (The term is not strong enough, in our opinion, to characterize the proceedings to which Mr. Hoosen Amod was deliberately subjected.) He was a resident of the Transvaal for over ten years, and was one of the select few who were favoured by the old Government with licences to trade in their own names. Our readers may be aware that most of the British Indians traded under the Republic either without any licences whatsoever, under the protection guaranteed to them by the British Agents, or under licences taken out by their white friends. The report, naturally, does not mention the fact that even white inhabitants of Wakkerstroom were so disgusted at the treatment that was meted out to Mr. Hoosen

Amod that they signed a certificate expressing their opinion that he was fully entitled to a licence. We look in vain, in the report, for a statement to the effect that Mr. Hoosen Amod's was the only Indian store in Wakkerstroom, and that he was largely supported by the European houses there.

We now deal with the other licence, namely, that of Mr. Suliman Ismail in Rustenburg.

OFFICIAL VERSION

(1) Suliman Ismail held no licence to trade in Rustenburg at the time of the outbreak of war, but during the British military occupation, he established this branch of his house.

FACTS

(1) The report does not give the material fact that the military authorities granted him the licence, enabling him to establish a business in Rustenburg.

OFFICIAL VERSION

(2) In October, 1902, the Resident Magistrate of Rustenburg served on the representative of Suliman Ismail a notice to the effect that he was not entitled to trade in town.

FACTS

(2) The report might have added that the Resident Magistrate, being the successor in office of his predecessor who granted the licence, could not question the latter's decision and recall the licence granted to the applicant under the full knowledge that he did not possess licence to trade in that district previous to the war.

The report, moreover, omits other material facts that were brought out before this licence was granted, namely, that in many other districts, licences under similar circumstances were granted to British Indians although they never traded in the respective districts, and that these licences were not disturbed. It was merely, in the case in question, an eccentricity on the part of the Magistrate.

The report might also have added that it was by an accident that justice was done to Mr. Suliman Ismail, for the reason for refusing a renewal of his licence, given officially, was that he should remove to the Location. Fortunately, he was able to point out that there was no Location whatsoever in Rustenburg at the time. The Government, being thus cornered, had no option but to grant a renewal. His Excellency

the Lieutenant-Governor realized the injustice done to the man, so much that the fine, imposed on him by the Magistrate for trading after the expiry of his licence without obtaining a renewal, was graciously refunded to him.

We had no desire to dwell on these two distressing cases, but the report having been published in the *Mercury*, we could not, consistently with what we consider to be our duty, remain silent and allow it to pass unchallenged. The only relieving feature in the whole of this miserable business and official *zulum* is, the painstaking manner in which His Excellency the Lieutenant-Governor, Sir Arthur Lawley, personally investigated the two cases, and in spite of the deliberation with which the officers at the respective places attempted to prevent justice being done, meted it out to the aggrieved parties, although tardily enough.

These two cases are an index of the official feeling in the Transvaal, and they shew most clearly how difficult it is under a separate Asiatic administration for British Indians to get the barest possible justice. The injustice becomes enhanced when we remember that the fear of such things happening was mentioned by the deputation at Pretoria to Mr. Chamberlain,[1] who assured them that licences granted after British occupation could never be withdrawn. To him, coming from the English atmosphere, the word of a British officer was "as good as a banknote", much more so his signature given by him in his official capacity.

Before closing this painful chapter, we wish to add that all the statements we have made in this article are based on documentary evidence which is in our possession, and if we appear to have used strong language, we have done so because we feel strongly.

Indian Opinion, 1-10-1903

364. THE VALUE OF A VOTE

Dr. Jameson, the leader of the Progressive Party at the Cape, has returned the following characteristic reply to a coloured voter who tackled the gentleman on the policy of the Progressive Party on the colour question:

> (1) Education, compulsory where possible, and free where necessary. This applies absolutely to everybody, white or coloured, and of whatever race. (2) Equal rights to all civilized men, absolutely again, to both

[1] *Vide* pp. 325-9.

white and coloured. It is only the aboriginal natives whom we consider uncivilized. Reading and writing is not the test. (3) The Malays in this country are British subjects, and as such there is no prejudice against them, and they shall have equal rights with the whites.

The coloured community at the Cape commands enough votes to turn the scales in hotly contested elections where each candidate is trying his best to keep his opponent out. Mr. Merriman has been severely chastising General Botha for having spoken out his mind on the native labour question, because his party wants the native vote. He, therefore, waxes eloquent on the unrighteousness of compelling the native to work and depriving him of his laws, and even compares the position of General Botha's countrymen to that of the natives, conveniently forgetting for the while that the Republics gave precious little to the natives and care less for their sentiments or rights. We, therefore, hope that the coloured gentlemen at the Cape will, by wisely using their power, continue to enjoy the privilege of the franchise which, under the British Constitution, is such a powerful instrument for securing justice. Here in Natal, the late Mr. Escombe thought fit to deprive us of it, and we know to our cost what harm has been wrought to us. A community without the vote under popular government is an anomaly and without a valuable faculty.

Indian Opinion, 1-10-1903

365. *A CAUSE FOR THANKFULNESS*

It is seldom that we get an opportunity for congratulating the Transvaal Government. We have a very good reason, however, to do so this week, for we read in the *Government Gazette* that the work of granting Indian permits has been re-transferred to the Chief Secretary for Permits. This ought to have been done long ago. The Indians have been protesting against the separate Asiatic administration ever since its establishment; and we sincerely trust that the reform in the matter of issuing permits is the beginning of the end of the Asiatic Department, which is absolutely unnecessary and a waste of good money. The Government, we read, are carrying on retrenchment on a large scale. The Legislative Council has voted a large sum for the Asiatic Department. Sir Percy Fitzpatrick raised a mild protest at the time. Why not do away with it now? It would

save a few thousand pounds to the Colony, and remove at the same time a cause of legitimate complaint. Neither in Natal nor in the Cape Colony, where there is a far larger Indian population, is there any distinction in dealing with free Indians and others. In the meanwhile, we are thankful for the small mercy, and trust that Captain Hamilton Fowle will deal with the Indian permits as justly as he has dealt with the others. We do not want to flood the Transvaal with Indians, but we do want prompt attention, and we do want the refugees to receive their permits both without vexatious delays and useless expense.

Indian Opinion, 1-10-1903

366. *AN OPPORTUNITY FOR THE INDIANS*

We congratulated Mr. Stuart last week on the stand he took up against the social evil.[1] But our congratulations are not unmixed with pain. For he seems to have been unable to resist the temptation of overdoing it. We notice a slight tendency on his part to bring in the whole Indian community. And we venture to think that his remarks about Mr. Khan were hardly justified. So great an authority as Lord Brougham used to say that an advocate who, although he knew the guilt of his client, declined to take up his case, was unworthy of his profession; and on the principle that every man in the eye of the law is innocent until he is found guilty by a duly constituted court, the doctrine is sound enough. The case of a well-known member of the Cape Legislative Assembly is still fresh. The M.L.A. was found guilty of the crime for which the Indian was tried. Will Mr. Stuart say that the learned counsel who defended him was not justified in taking up the brief? We all have our private opinion about that case. But shall we say that the leading barrister who argued the appeal for the M.L.A. or the Chief Justice, who upheld the appeal because there was an element of doubt as to the legal guilt, was to blame—the one for championing the apparently guilty man and the other for discharging him? What, again, is the duty of an advocate who finds out in the middle of a case that his client is really guilty? Is he to throw up the brief? If we dare do anything of the kind, we fancy that his conduct would be regarded as highly unprofessional. The matter bristles with difficulty. And we think that

[1] *Vide* p. 549.

it is one for every advocate to determine for himself, and not for the Magistrate to read a homily to the defending counsel whenever he thinks that the case is bad. So much for the "tiff" between Mr. Stuart and Mr. Khan; while it takes away from the good work done by Mr. Stuart, the residue is sufficient to entitle him to praise. The Indian community has got a unique opportunity of showing the best that is in it. By an effort in the right direction, it can clear the Augean stables by running the powerful stream of public opinion through them. It can put the finishing touch to the work done by the police and the Magistrate, without whose assistance the moral pressure exerted by it would not have produced any impression on the rhinoceros hide of the hardened delinquents. But if it strikes now while the iron is hot, the blow will be fully effective. We do not want to see a single Indian among us living on the disgusting and demoralizing traffic. We are glad that the Indian community thoroughly approves of the action of the police and the Magistrate, and is determined to visit the parties concerned with such social penalties as may be considered advisable.

Indian Opinion, 1-10-1903

APPENDICES

APPENDIX I

THE INITIAL HEARING

Mr. C. A. de R. Labistour appeared for the applicant, and said his client had ample capital to start in a decent way of business in the premises, which had been most satisfactorily reported upon by the Sanitary Inspector. The applicant was a capable businessman.

MR. COLLINS: Have we had the Licensing Officer's reasons?

THE MAYOR: No.

MR. TAYLOR: I don't think the Licensing Officer need give reasons, unless requested to do so by a majority of the Council. All that we have to do is to decide whether or not we will confirm the Licensing Officer's decision. I move that we confirm it.

Mr. Henwood seconded the motion.

Mr. Collins moved, as an amendment, that the Licensing Officer be requested to give his reasons.

Mr. Ellis Brown seconded, remarking that it would be more satisfactory to have the reasons.

The amendment was rejected by four votes to three.

Mr. Collins pointed out that they were establishing a precedent, and he thought they were establishing an undesirable one. Of course, what was done in one case must be done in all, and under the circumstances, he would feel compelled to vote against the resolution.

The Mayor remarked that the Council had by a majority decided not to ask the Licensing Officer for his reasons.

The original motion was then put and carried, and the Licensing Officer's decision was accordingly confirmed.[1]

The Natal Mercury, 3-3-1898

[1] Somnath Maharaj appealed against the refusal of the licence for the premises belonging to the Natal Indian Congress in Umgeni Road. *Vide* pp. 2-4.

APPENDIX II

SIR WALTER WRAGG'S JUDGMENT[1]

MR. JUSTICE WRAGG: It appears to me that the important question, directly put to the Court for decision, is whether or not Mrs. Vinden is a 'Coloured Person' within the meaning of Law 15, 1869. I understand that my learned brethren hesitate to decide this point and therefore what I have to say must be taken as my opinion only. I hold strongly the view that the plaintiff is not a 'Coloured Person' within the meaning of that Law, on the following grounds.

Under Law 15, 1869, Sec. 2. any 'Coloured Person', who is found wandering abroad unable to give a good account of himself, is liable to punishment. In Section 5 the term 'Coloured Person' is defined as including, among others, 'Coolies'. Before that Law of 1869 was passed, there were in existence several Laws relating to Indian immigrants. Looking at the preamble of that and the later laws, we find that the term 'coolie' means persons who, under these laws, have been introduced from India into this Colony at the public expense, or by private individuals at their own expense, for a particular class of service. Then came the 'Coolie Consolidation Law', of 1870, in which the term 'coolie' was again used and in the same sense. Lastly, we have the existing Law No. 25 of 1891, which was passed as the outcome, in many respects, of the labours of the Indian Immigration Commission of 1885-87. In this Law the offensive word 'coolie' does not appear, its place being taken by the term 'Indian immigrant', which, in Section 118, is defined as meaning and including "all Indians introduced from India into Natal under the provision of the laws regulating such introduction and those descendants of such Indians who may be resident in Natal". Persons usually described as Asiatics, Arabs, or Arab traders, who have been so introduced, are expressly excluded.

Now Mrs. Vinden came to this Colony at her own expense and she is wife of David Vinden, who was not brought here as an Indian immigrant. How can either of them be considered a 'Coloured Person' within the meaning of Law 15, 1869? I say, most emphatically, that they are not 'Coloured Persons' within the meaning of that Law.

A 'free' Indian, that is to say, an indentured Indian who, having been introduced under the Immigration Laws, has completed his term of service, is, with his descendants, a 'Coloured Person' within the meaning of the Law,

[1] *Vide* pp. 7-12.

because he comes within the definition of Law 25, 1891, Sec. 118. But that is not the case of either David Vinden or his wife.

Natal Law Reports : Vinden v. *Ladysmith Local Boards*, 1896

APPENDIX III[1]

(*A*) *ADDRESS FROM NATAL INDIAN CONGRESS*

DURBAN,
October 15, 1901

TO
MOHANDAS KARAMCHAND GANDHI, ESQ.
BARRISTER-AT-LAW
HONORARY SECRETARY, NATAL INDIAN CONGRESS, &C., &C.

SIR,

We, the undersigned, representing all classes of Indians living in Natal, beg leave to present this Address to you on the eve of your departure for India, to very briefly express, howsoever poorly, the deep sense of gratitude we entertain towards you for the valuable services you have so untiringly and cheerfully rendered, and the exemplary self-sacrifice you have ever-willingly undergone to watch and further the interests of your fellow-countrymen since your arrival in the Colony over eight years ago.

Your unique career teaches many a luminous lesson, and we hope to model our actions by the noble example set by you.

In all you did you were guided by high ideals, and your unflinching devotion to duty made your methods and work most efficient.

We feel that in honouring you we honour ourselves.

We sincerely hope that after discharging the domestic duties that necessitate your going to India, you will decide to cast your lot with us again, and continue the work you have been so admirably doing.

In conclusion, we wish you *bon voyage*, and pray to the Almighty to confer His choicest blessings on you and yours.

We beg to remain,
Sir,
Ever yours gratefully,
ABDUL CADIR [AND OTHERS]

From a photostat of a printed copy : S. N. 3918

[1] *Vide* p. 245.

(B) NATAL INDIAN CONGRESS RESOLUTION

That this meeting of the Natal Indian Congress while accepting with deep regret the resignation of its Honorary Secretary Mr. M. K. Gandhi deems it its bounden duty to place on record the profound sense of gratitude it entertains for the invaluable services he has so untiringly, unostentatiously and cheerfully rendered and the immense self-sacrifice he has ever-willingly undergone, to protect and promote the (further) interests of his countrymen in Natal especially and South Africa generally, since his arrival in this Colony about eight years ago, and its sense of appreciation of his unflinching devotion to duty which alone has guided all his actions.

From a photostat of the draft: S. N. 3930

SOURCES

Amrita Bazar Patrika : English newspaper published from Calcutta; first appeared in 1868 as a Bengali weekly; a daily since 1891.

COLONIAL OFFICE RECORDS : Housed in the library of the Colonial Office, London, these include most official documents and papers pertaining to South African affairs.

DURBAN TOWN COUNCIL RECORDS, DURBAN

(*The*) *Englishman*: English daily published from Calcutta, founded in 1830; one of the leading organs of European public opinion of the time.

GANDHI NATIONAL MUSEUM AND LIBRARY, NEW DELHI : Central museum and library of Gandhian literature and documentation.

NATIONAL ARCHIVES, NEW DELHI.

PIETERMARITZBURG AND PRETORIA ARCHIVES.

India: Organ of the British Committee of the Indian National Congress in London, 1890-1921.

INDIA OFFICE RECORDS : Placed in the library of what used to be the India Office till 1947, these comprise papers and documents relating to Indian matters with which the Secretary of State for India was concerned.

Indian Opinion : Weekly journal founded in Durban in 1903. Gandhiji was virtually its editor till 1914 when he left South Africa; it had English and Gujarati sections and also, initially, Hindi and Tamil.

Mahatma : Life of Mohandas Karamchand Gandhi, Volume I: D. G. Tendulkar; Jhaveri and Tendulkar, Bombay, 1951.

(*The*) *Natal Advertiser* : English daily published from Durban.

Natal Law Reports: South African Law Reports, Natal Provincial Division, 1892.

(*The*) *Natal Mercury* : English daily published from Durban.

(*The*) *Natal Witness* : Independent English daily published from Pietermaritzburg.

Le Radical (1897-1914) : French daily published from Port Louis, Mauritius.

(*The*) *Rand Daily Mail*: English daily published from Johannesburg.

Report of the Seventeenth Indian National Congress, Held at Calcutta on 26th, 27th and 28th December, 1901; All-India Congress Committee, 1902.

SABARMATI SANGRAHALAYA, AHMEDABAD: Library and records containing documents relating to Gandhiji's South African and earlier Indian periods.

(*The*) *Standard* (1900-1908) : Anglo-French daily published from Port Louis, Mauritius.

(*The*) *Times* : English daily published from London.

(*The*) *Times of India* : English daily published from Bombay since 1861.

(*The*) *Vegetarian* : Organ of the London Vegetarian Society.

(*The*) *Voice of India*: Monthly journal published from Bombay, founded by Dadabhai Naoroji in 1883, amalgamated with *Indian Spectator* in 1890 and issued as a weekly in 1901.

CHRONOLOGY

(*1898–1903*)

1898

February 28: Gandhiji wrote to British Agent at Pretoria, informing him of Transvaal Indians' intention to file Test Case in regard to Law 3 of 1885.

March 2: Appeared in Somnath Maharaj case for a retail licence in respect of trading premises.

August 8: Transvaal High Court ruled in Test Case that no distinction could be made between places of residence and business premises, and that Indians must reside as well as trade only in Locations specified by Government.

August 19: Gandhiji cabled Viceroy of India, communicating adverse decision of Court in Test Case.

August 22: Petitioned Indian National Congress, seeking its intervention in regard to implementation of Locations policy by Transvaal Government.

August 25: Forwarded copy of above petition to Secretary of State for India.

August 30: Cabled Bhownaggree and *India* about Test Case judgment, saying that Indians relied on Chamberlain's intercession.

September 14: Pleaded unsuccessfully in Dada Osman's case before Durban Town Council against refusal of trading licences to Indians on racial grounds.

November 3: Cabled Colonial Secretary protesting against visitors' and embarkation fees imposed under Immigration Act.

November 19: Locations Notice published in *Government Gazette*.

November 28: Gandhiji represented to Indian National Congress about serious financial loss from enforcement of Locations order.

November 29: Participated in inaugural ceremony of International Printing Press in Durban set up at his suggestion.

December 5: Cabled *India*, suggesting that British friends take advantage of High Commissioner's visit to England and secure reversal of policy in regard to Locations.

December 23: Sought expert legal opinion from European counsel on points at issue in licensing law.

December 31: Drew up petition to Secretary of State for Colonies regarding Dealers' Licenses Act, 1897.

1899

January 11: Forwarded to Natal Governor Indian petition regarding licences.

January 21: Addressed to the Press and public in India general letter, calling for urgent attention to Indian grievances regarding licences.

January 22: Sought, by petition, Viceroy's intervention in regard to licensing law.

Before *March 8:* Undertook to translate pamphlet on plague precautions for Pietermaritzburg Town Council.

March 11: Communicated with *The Times of India* and *India* about disabilities of Indian traders in Rhodesia.

March 20: Contributed to *The Times of India* first of a series of special articles on position of Indians in South Africa.

April 25: Transvaal Government ordered Asiatics to remove to Locations before July 1.

May 17: Gandhiji addressed memorial to Chamberlain regarding Government's steps to enforce Law 3 of 1885.

May 18: Wrote to Colonial Secretary, Pietermaritzburg, pleading that Bill to amend Indian immigration law be modified in interests of indentured labour.

May 27: Sent Wedderburn copy of memorial of May 17 addressed to Chamberlain.

July 6: Communicated to Colonial Secretary information about cases of hardship resulting from operation of Dealers' Licenses Act.

July 15: Called on State Secretary and appealed for magnanimity towards Indians.

July 20: Waited in deputation on British Agent at Pretoria and acquainted him with problems of Indians arising out of law on Locations.

Before *July 27:* Was interviewed by *The Star* of Johannesburg about Locations order.

July 31: Demanded, in petition to Natal Governor, legislation to amend licensing law and give Indians right of appeal

to Supreme Court against arbitrary decisions ofmunicipalities, Town Councils, etc., in regard to trading licences.

September 9: Cabled Colonial Secretary for facilities to Indians to leave Transvaal, in view of imminent British-Boer hostilities.

October 14: Addressed circular letter to influential people concerning refugees from Transvaal, pressing for suspension of deposits and grant of facilities to enter Natal from Delagoa Bay.

October 16: Natal Indian Congress thanked Government for concessions to refugees.

October 17: Meeting of English-speaking Indians decided to offer their services to Natal Government on outbreak of Boer War.

Gandhiji had medical check-up by Dr. Prince and was found fit for service in ambulance work.

October 19: Communicated Indian offer to Government, forwarding list of volunteers headed by himself.

October 23: Indian offer welcomed by Government who indicated their willingness to avail of it on suitable occasion.

October 27: Gandhiji wrote letter to *The Times of India* dealing with refugee situation and Indian offer to Natal Government to serve as stretcher-bearers.

November 1: Circulated among Indians appeal for donations to Durban Women's Patriotic League Fund, collecting over £60 and himself contributing £3.3.0.

November 18: In letter to *The Times of India*, reported at length on difficulties created by Dealers' Licenses Act for Indian traders in Natal.

December 2: Wired Colonial Secretary for details of Ambulance Corps' work and date of start.

December 4: Informed Colonial Secretary of readiness to leave for front at moment's notice, regretted Government's tardiness in accepting offer and sent further names of volunteers.

Before *December 11:* Wrote to Bishop of Natal, requesting release of Dr. Booth for Ambulance work.

December 13: Addressed meeting at Mr. Escombe's residence about aim of Indians in volunteering to serve as stretcher-bearers at the front.

December 14: Left for the front with Ambulance Corps.

December 15: Corps reached Chieveley and was ordered to field hospital. Colenso reverse.

December 17: Corps left for Estcourt.

December 19: Corps disbanded temporarily.

1900

Before *January 7:* Gandhiji informed authorities of Indians' readiness for further Ambulance work.

January 7: Indian Ambulance Corps re-formed and stationed at Estcourt.

January 21: Corps in action at Spion Kop; carried wounded to base under fire.

January 28: Corps again disbanded about this time after three weeks' service.

March 1: Gandhiji sent message of congratulations to General Buller on relief of Ladysmith.

March 8: Circulated text of Congress message of condolence on W. W. Hunter's death.

March 14: Addressed public meeting of Indians and Europeans held to felicitate British Generals on victory in Boer War.

After *March 14:* Contributed to *The Times of India* detailed account about doings of Indian Ambulance Corps.

Before *March 26:* Released to Durban Press text of resolutions congratulating British Generals and their acknowledgment thereof.

April 11: Issued appeal for donations to Durban Indian Hospital.

April 20, 24: Addressed personal letters, forwarding presents to leaders and men of Ambulance Corps.

May 21: Conveyed to Queen Victoria Indians' felicitations on her birthday.

July 13: Circulated resolution thanking East India Association, London, for good work in South African Indians' cause.

July 30: Appealed through Press for funds for famine relief in India.

August 14: Informed Colonial Secretary of having forwarded to Turkish Ambassador in London Indians' address of felicitations to Sultan of Turkey on silver jubilee of his reign.

September 24: Wrote to Town Clerk, Durban, against enactment of bye-law prohibiting carrying of coloured passengers

by Indian rickshaw-haulers in rickshaws marked "For Europeans only".

October 8: Addressed communication to Dadabhai Naoroji concerning work of Indian National Congress for South African Indians and forwarded draft resolution thereon for ensuing Congress session.

December 6: Cabled Cape Town Indian leader to offer address to Lord Roberts.

December 14: Defended indentured Indian, Chellagadu, charged for absenting from work without permission.

December 21: Presided over Indian School annual function in Durban.

December 24: Presented petition to Natal Governor against Durban Town Council's bye-law concerning Indian rickshaw-haulers.

1901

January 22: Queen Victoria died.

February 2: Gandhiji laid wreath on pedestal of Queen's statue in Durban and paid tribute to her at condolence meeting.

February 16: Communicated to Press information about Famine Fund and contributions received towards famine relief in India.

March 19: Contacted Durban schools for distribution of souvenir on Queen Victoria.

March 25: Wired High Commissioner, informing him of footpath restrictions and rigorous enforcement of anti-Indian laws, and recalling Imperial Government's assurance to modify, if not repeal, racial legislation.

March 30: Protested, in letter to Colonial Secretary, against singling him out for mention in General Buller's dispatches for services in Boer War.

April 16: Cabled British Committee and East India Association concerning denial of permits to refugee Indians to re-enter the Transvaal.

April 20: Addressed friends in England on Indian disabilities and anti-Indian laws still prevailing in South Africa.
Natal Indians presented address to Lord Harris, ex-Governor of Bombay, during visit to Durban.

April 27: Gandhiji represented to friends in England difficulties of Indians in re-entering Transvaal.

April 30: Expressed hope in letter to Colonial Secretary that in legislation to modify Indian Immigration Amendment Act, Government would maintain women labourers' wages at half those of men.

May 4: Addressed letter to Bombay Government bringing to their notice disabilities of Indian immigrants in South Africa.

May 9, 10: Represented to Military Governor, Johannesburg, and to High Commissioner on undesirability of a new Immigration Department to deal with matters of Indian concern.

May 18: Urged in letter to East India Association and British Committee advisability of influential joint deputation to Sir Alfred Milner and to Chamberlain.

May 21: Expressed in letter to Revashankar Zaveri his sense of grief and loss over passing away of Raychandbhai.

June 1: Suggested in communication to British Committee that it form with East India Association a joint committee for concerted action in regard to anti-Indian laws in South Africa.

June 21: Met Secretary, Uitlander Committee.

June 22: Wrote to Bhownaggree regarding joint action by British Committee and East India Association in respect of Indian grievances in South Africa.

August 13: Natal Indians presented address to Duke and Duchess of York and Cornwall.

August 23: Gandhiji presided over meeting for formation of Durban Indians' Progressive League; considered move inopportune.

September 11: Appeared for and secured discharge of Indian barber charged under Pass Law.

October 15: Presented with farewell address by Natal Indian Congress and other Indian organizations on eve of his departure for India.

October 18: Returned costly gifts and recommended a trust thereof for objects beneficial to Indians.

Sailed for India, promising to return within year, if Indian community should need him.

October 30: Disembarked at Port Louis, Mauritius.

November 13, 16: Accorded receptions by Indian community of Mauritius.

November 19: Left Mauritius for India.

December 14: Reached Rajkot *via* Porbander.

December 17: Left Rajkot for Bombay; on way to Calcutta Congress, met Bhownaggree.

December 27: Moved resolution on South Africa at Congress session.

1902

January 19: Addressed public meeting at Albert Hall, Calcutta, on question of Indians in South Africa.

January 27: Addressed second meeting at Calcutta on work of Indian Ambulance Corps in Boer War.

January 28: Sailed for Rangoon.

January 31: Reached Rangoon.

After *February 2:* Returned to Calcutta and stayed with Gokhale.

February 21 or 22: Was seen off by Gokhale and Dr. P. C. Ray on tour of Banaras, Agra, Jaipur and Palanpur *en route* to Rajkot, travelling third class. Spent a day at each place; in Banaras, called on Annie Besant.

February 26: Reached Rajkot.
Settled down to practice, handling cases at Jamnagar, Veraval and other places in Kathiawar.

March 26: Wrote to W. S. Caine, sending "Notes" on latest position in South Africa and urging efforts by British friends for redress of grievances of Indians.

March 30: Forwarded "Notes" to *India*.
Sent Bhownaggree copy of his resolution on South Africa adopted at Calcutta Congress.

March 31: Writing to Khan and Nazar, pleaded that, if his presence was essential, he should be recalled to South Africa before he settled down in India.

April 8: Wrote to Gokhale, congratulating him on his budget speech in Imperial Legislative Council.

April 22: Contributed special article to *The Times of India* on Natal Bill to impose poll-tax on children of indentured Indians, indirectly compelling their return to India.

May 1: Joined as Secretary, State Volunteer Plague Committee in Rajkot at about this time when outbreak of plague was feared.

May 20: Wrote again to *The Times of India*, furnishing text of Natal Bill recently passed and awaiting Imperial sanction. Urged the paper to raise its voice against the injustice.

May 31: Detailed, in special article in *Voice of India*, hardships of new poll-tax law and hoped Lord Curzon would intervene and Chamberlain use his influence with Colonies on side of justice and fa:r play.

June 3: Urged his associates in Durban, in view of his own bad financial condition, to furnish him with funds for carrying on South African work.

June 5: Bombay Presidency Association forwarded memorial, prepared by Gandhiji, to Secretary of State for India, opposing Natal Act to amend Indian immigration law by inclusion of poll-tax clause, and demanding suspension of State-regulated emigration to Colony.

July 10: Gandhiji left Rajkot for Bombay to set up legal practice there.

July 11: Reached Bombay.

August 1: Wrote to Gokhale, mentioning his having secured office space in Bombay, and offering him his services.

August 6: Spoke of difficulty in legal profession, in letter to Devchand Parekh.

November 3: Referred, in letter to Shukla, to having received cable from Natal recalling him and to his having pleaded inability to go because of physical weakness and children's ill-health.

November 14: Communicated to Gokhale intention to leave for South Africa on November 20.

Before *December 25:* Arrived in Durban. Wrote to Natal Government, asking for change of date for deputation to Secretary of State for Colonies.

December 28: Led deputation of Natal Indians to Chamberlain and presented memorial regarding grievances of Natal Indians.

December 28 or 29: Obtained, with the help of Police Superintendent Alexander, permit to enter the Transvaal for leading Pretoria Indians' deputation to Chamberlain.

1903

January 1: Reached Pretoria.

January 2: Waited on Assistant Colonial Secretary but was told that not being resident of the Transvaal, he could not be in deputation.

January 6: British Indian Committee appealed to Lt.-Governor to permit Gandhiji to be member of deputation to Chamberlain.

Before *January 7:* Memorial drawn up by Gandhiji presented by deputation led by George Godfrey.

January 30: Gandhiji wrote to Dadabhai Naoroji, reporting on the deputations to Chamberlain and suggesting prohibition of indentured emigration to Natal.

January: Addressed petition to Viceroy regarding indentured Indians, requesting that Natal be advised to discontinue import of Indian labour if it could not grant elementary rights of British citizenship.

February 5: Wrote, in letter to Chhaganlal Gandhi, of uncertainty of his stay in South Africa, which was "no bed of roses".

February 12: Interviewed Lt.-Governor of Transvaal concerning setting up of Bazaars.

February 16: Decided to settle down in Johannesburg, in view of public work, about this time enrolled to Bar of Transvaal Supreme Court.

February 18: Communicated views on Bazaars to Colonial Secretary.

February 23: Forwarded to Dadabhai Naoroji comprehensive statement on Indian question in Transvaal and O.ange River Colonies. Wrote to Gokhale that events in Transvaal were progressing fast and he was "in the thick of the fight".

March 16: Despatched periodical statement to Dadabhai Naoroji on situation in South Africa.

April 25: Wrote in *The Vegetarian*, offering tips to prospective emigrants to South Africa.
Reported, in letter to Colonial Secretary, police highhandedness towards Indian merchants in Heidelberg.

April 27: Released to Press letter about Heidelberg incidents.

May 1: Forwarded to Lt.-Governor petition of William Hosken and other European residents of Johannesburg about Government Notice No. 356 of 1903, and expressed view that legislation to regulate immigration was more acceptable.

May 6: Mass meeting held in Johannesburg protesting against enforcement of anti-Indian laws which restricted Indians to Bazaars, etc., and calling for their repeal.

May 9: Gandhiji forwarded reports to Dadabhai Naoroji about Heidelberg and Johannesburg incidents, European petition about Notice No. 356 and the Johannesburg mass meeting.

May 10: Expressed, in letter to Dadabhai Naoroji, readiness to accept, with modifications, legislation on Natal lines to restrict immigration, and also principle of Bazaars if not imposed by law.

Stated, in letter to Gokhale, that he had settled in Johannesburg "under very great difficulties". Requested him to study question of South African legislation to restrict Asiatic immigration and to direct movement against it in India.

May 16: Reported to Dadabhai Naoroji Transvaal Government move to enforce collection of £3 registration tax.

May 22: Led Indian deputation to Lord Milner, Governor of Transvaal, in connection with compulsory levy of registration tax and general question of Indians in Colony.

May 24: Informed Dadabhai Naoroji of demands of Indian deputation to Lord Milner.

May 31: Urged in weekly communication to Dadabhai Naoroji need for relief to Indians from discrimination in Orange River Colony. Reported enactment of Bazaar law by Cape Colony and emphasized need to concentrate effort on repeal of existing legislation.

June 4: *Indian Opinion* commenced publication with Mansukhlal Nazar as editor.

June 6: Gandhiji cabled British Committee, hoping that compulsory repatriation of ex-indentured Indians would not receive sanction from Home Government.

Opposed in periodical statement to Dadabhai Naoroji compulsory return of ex-indentured Indians and stressed that Location and Bazaar laws in Natal and Cape Colony, if made permanent, would seriously damage Indian interests.

June 8: Submitted petition to Transvaal Governor, detailing disadvantages of Asiatic Office, Bazaar Notice, and prohibition of land-ownership in Locations, and demanding abrogation of discriminatory legislation and restoration of freedom of life and trade.

June 10: Petition presented to Natal Legislature demanding amendment of draft ordinance for Municipal franchise classing Indians with natives.

June 23: Gandhiji suggested in petition to Natal Council modifications to Bill for restricting immigration.

June 30: Wrote to Haridasbhai Vora, reporting success in professional practice, referring to exacting nature of his public work and expressing preparedness to settle down in Johannesburg for decade or so.

July 4: Urged in letter to Gokhale the need of "a well-directed movement" throughout India to counteract agitation of interested parties in Transvaal against relaxation of old anti-Asiatic laws.

July 18: Informed Dadabhai Naoroji of passing of Municipal Ordinance despite Indian objection, and of Transvaal Government proposal to lay out 54 Locations for Indians.

July 25: Informed Dadabhai Naoroji of Transvaal Legislative Council's resolution to enforce Bazaar Notice.

August 3: Demanded in his weekly statement relaxation in respect of existing licences, referred to continued difficulties of Transvaal Indian refugees and refuted Milner's allegation of insanitary grounds for segregation policy.

August 4: Cabled British Committee, *India* and *The Times of India* about refugee problem.

August 10: Forwarded to Dadabhai Naoroji detailed clarification of cable of August 4.

August 24: Petitioned Chamberlain to withhold Royal assent to Immigration Restriction Bill passed by Natal Assembly.

September 2: Writing in *Indian Opinion*, expressed hope that no Indian would stoop to secure exemption from Bazaar Notice.

September 7: Remonstrated, in letter to Dadabhai Naoroji, against any acceptance in England of move for compulosry repatriation of indentured labour and payment of part wages in India.

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